

ΛΗΤΙΣ ΑΝΕΛΗΦΘΗ
The Fastning of *James Fetter's Bonds*
St. PETERS FETTERS.

By SEVEN Links, or Propositions. *No 905*

O R,

The Efficacy and Extent of the Solemn
League and Covenant asserted and vind-
icated, against

The Doubts and Scruples of Dr. John Gauden's
Anonymous Questionist.

St. Peters Bonds not only loosed, but annihilated by
Mr. John Russel, Attested by John Gauden, D.D.

The League Illegal, falsely fathered on Dr. Daniel Featley?

AND THE

Reasons of the University of Oxford for not taking (now pleaded
to discharge the obligation of) the Solemn League and Covenant.

By Zech. Croston, Minister of the Gospel at
S. Botolphs Algate, LONDON.

Jer. 34. 19. *Ye were now turned, and had done right in my sight, and ye had
made a Covenant before me in the House which is called by my Name.*

Ver. 16. *But ye turned, and polluted my Name.*

Ver. 18, 20. *I will give the men that have transgressed my Covenant, which
have not performed the words of the Covenant which they made before me, I
will even give them into the hand of their enemies.*

Error cui non resistitur approbatur & veritas quæ non defenditur opprimitur
negligere quippe cum possis deturbare perversos nihil est aliud quam fore
ut nec caret serupulo societatis occultæ qui manifesto facinori cum potest non
nit obviare. *Innocent.*

London, Printed for Ralph Smith; at the sign of the
Bible in Cornhill, near the Royal Exchange. 1660.

ANALYTICAL AND EVALUATION

STRENGTHS AND WEAKNESSES

THESE ARE THE RESULTS OF THE ANALYSIS

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The Epistle to the READER.

Courteous Reader,

I Am not insensible that the subject matter of these papers, and the season of their publication, may expose them and their Author to the censure of the Committee of discretion; which if they do, I cannot but let thee know, this will not be the first time I have fallen under their correction; for, such was my loyalty to the Kings Majesty in His late unjust exile, and the cogency of the Covenant on my conscience, that my preached Sermons, and Printed papers, were very frequently under the examination of this Committee; constituted not only of my envious enemies, (desirous to discover in me a rashness which might prove my ruine) but also my trembling friends, and timorous brethren in the Ministry, who thought any who slept before them in duty, thrust themselves into present danger; and yet no judgement could pass against me, save only the state of affairs might have made him more politic; but that it is truth he spake, and a Ministers duty to speak, it could never be denied.

I presume, men to whom I am in any measure known, will not judge me such a fool as not to discern the current of the times, countenance of the Court, clamors of the Countrey, contradictions of rising persons in the Church and Commonwealth to what is herein asserted; the compliance and connivance of many my brethren in the Ministry under the same Oath heretofore vindicated; and the cooled courage of the first Compasers, earnest Instigators, and zealous Promoters of the Solemn

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League and Covenant: and that in dissenting from them, and opposing my private apprehensions to their more prudent affections, I must needs expose my self to the reproach of singularity, inconsiderate heat, peevishness of spirit, and contradiction my self to the frowns of men in power, and fustings of my complying breibren, and fellow-confederates, and fail the expectations of my own preferment, which my courage and constancy for His Majesties just interest in the worst of oppressing slaves, and in most of oppression (wherein many who now take the Covenant, durst not speak, nay did basely comply and promise to be true and faithful to the Common-wealth of England, as it was then established without a King and House of Lords) had heightened in both my friends and foes; against which, when I reason with flesh and blood, and console a proud heart within, and numerous family without me, I find sufficient Arguments (according to the dictates of nature) to determine folly against my self; but I hope I have not so learned Christ.

True piety doth suggest and convince me, that wisdom towards God is folly to the world; and the Watchmans prudence is to proclaim an approaching evil whilst at a distance, capable of diversion, and escape; and that the most wise of Gods Ministers in all ages, judged it their duty to oppose Gods Word to mans prevailing lust, and present propensity unto wickedness: Elijah-like to stand alone, and speak the mind of God, when for so doing they may be branded as the troublers of Israel, when indeed their sin, not the preachers speech, doth cause the commotion; with Micaiah to denounce the danger of Ahab's design, though 400 Prophets encourage it, and King, and the Court encline to it: and with Jeremiah, to say to the King, Keep thy Oath, and thou shalt be delivered, when Princes and Prophets perswade the breach thereof, and himself must down into the Dungeon as a preacher of sedition: *Every man will deny, that Roger Bacon*

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in his plain preaching to King Henry 3; that if he did not remove his malignant counsellors, Peter Bishop of Winchester, and Peter de Rivallis, he could never be at quiet, played a wiser part, than did the Bishop; who, to please the Kings humour, preached up the Kings prerogative to such a pitch, as brought himself under an Anathema; from which he was forced to appeal to Rome for relief: and all good Protestants will conclude Cramner was much wiser in alone withstanding King, Council, Parliament, Lords temporal and spiritual, in the case of King Henry 8 his six Popish Articles, than in that Court compliance, which caused that doleful complaint in the midst of the fire. This my unworthy right hand. Magnanimity is a vertue not the least necessary to a man, but most necessary to a Christian, and most of all to a Minister, who should like his Steeple stand in all stormes (vatted under and by the variations of humane affairs) and not like the Weather-cock turn with every wind. I am ashamed to think with what vigour some asserted the Obligation of the Covenant in reference to Religion, when the civil part thereof was clouded and broken; and now would vindicate the civil part thereof, whilst Religion is specially concerned: Like wise Archers, love it as the mark because of spectators observation, but resolve to shoot fair and far off; whilst others wholly couch it, are ready to cast it off, or by false glosses, and frivolous interpretations evade it, and study how to charme others into the same silence, I had almost said sin.

It is worth remembrance, that religion and its reformation never was, nor must now be expected to be the result of an ordinary measure of resolution: It is needfull to recite the boldness of the Apostles and Primitive Fathers against the contradiction of the Pagans; Alexander and Athanasius that resister of Arianism, against the Arrian Empire in promoting and defending the true religion; or Wickliffe, Hus, and Luther, and others, in the first reformation; and the

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conflicts of Englands Nonconformists against the remainders of corruption, and Remissor reliques in our Church, unto a Solemn Covenant for their extirpation.

Zeal, courage, and constancy, suit not any act so well as the asserting the Obligation of a Sacred Oath, to which King and Kingdom are the subjects, and of which God is object and avenger: so that in hanc arenam descendere, to enter a controversie in defence thereof, is pro aris & focis certare, to fight for God and our Countrey, that the one be not dishonoured, or the other destroyed by perjury: Dr. Sanderson notes courage as a necessary bar to the swearing of a forced Oath; I am sure it is much more such to the breaking of it when sworn; he makes it essential to piety, Viro fortis, id est pio, pius enim esse nequit qui non est fortis; so him I must needs subscribe, whilst Solomon seems to have been his Dictator, the righteous are bold as a lyon, but the sluggard cryeth, there is a lyon in the way, and fools wait winde and weather to the losing seed-time and harvest: I deny not wisdom to watch and wait opportunity of action; but that general disaffection, and dissent, direct contradiction, or declared inhibition of some like-warm declension of others, danger and difficulty unto an improbability of effect, should demurre to a positive duty (such as is Ministerial exaction of the Oath of God) is plain folly, and to divert it is prædominate iniquity: ob dubia quæ se offerunt nemo à bene faciundo cessare debeat, is a divine rule most fit for Divines to practice in religious discharges: Regulus is no little renowned for his fidelity to his forced Oath, Cum vigilando necabatur, erat in meliore causa quam si domi senex captivus perjurus & consularis remansisset; and methinks the dying profession of Mr. Christopher Love, in reference to this very Covenant, I had rather die a Covenant-keeper, than live a Covenant-breaker, should yet have some influence on London Ministers,

De juram. præl.

4. Sect. 14. pag.

123.

Cicero de Offi.

ciis. lib. 3. p. 404

Speech on the Scaffold.

Lic

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Let men count me fool and firebrand, or what they please, my record is above, and witness is on high. I must tell thee, as no perswasion of my friends, threats of foes, loss of estate, danger of liberty, declension of brethren, could constrain my silence in the civil part of the Covenant which concerned Caesar: so I cannot but speak unto the religious part of it which concerneth God and his Church; the things therein sworn to be extirpated, being generally evil; and the best (viz.) Episcopacy (which Smeethynus tells us in its best and primitive institution, was of diabolical occasion, and meer humane, not apostolical prescription; a remedy ineffectual to its designed end, and only became a stirrup to Antichrist; which I hope none of them will be persuaded to hold) is only good in that particular which is common to other governments; and not divine, or necessary, but within humane power to be discharged, or continued. And in conscience of its obligation, I have this once, and again put pen to paper, whereby, if I may do God and his Church, the King and Kingdom, any service, I shall be glad, like unto Alexanders souldier, to be found in the fashion of a fool; being resolved, in the discharge of duty, to seek dignity, according to old Strabo's direction, by turning my back on the rising Sun; and with stand S. Peters temporizing (to the stumbling of the weak, and strengthening of the wicked) unto his very face; for he will be found worthy to be blamed: Let mens spirits be composed, the case of conscience be candidly discussed, the bond of the Covenant be by right and religious reason discharged, none shall more cheerfully submit than my self; but if the Covenant be slighted as of no use, by Jesuical Sophisms made void, by violence violated, or by false glosses and interpretations evaded; faithfulness unto it, and the oath of a Minister. (bound to speak in Gods Name, that his anger may be silent) and love and loyalty to King and Kingdom (Judicious of what may pro-

Answer to the
Remonstrant.

p. 3031.

fit

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fit more than please) will constrain an outcry, and constant call, Oh regard the Covenant, the Solemn League and Covenant!

The degrees of reformation obtained, before this Covenant was made, were matter of joy to the Church, and ground of praise to God; but not of content and full satisfaction, whilst higher degrees were desirable, and to be pursued; and though we now should obtain another step to what we then had, but yet, not only short of, but inconsistent with the degree covenanted or sworne; I deny it not to be materially good, yet cannot but judge it to be a formal evil. I fear a breach of the Covenant, unless, we can find a medium between perjury and non-performance (*quo ad Captum*) of the thing sworn to God: I can cheerfully embrace every degree of good, but not triumph in that good which falls short of engagement unto God; Reformation is not more joyous, than the retrogradation thereof is grievous to a serious spirit; that the child stick in the birth, is dangerous; but its return into the womb, is so apparent an hazard to mother and child, it admits no moderation in midwife or assistants, but provoketh earnest and utmost diligence for delivery: I tremble, to think what may yet become of the reformed Churches, if Englands reformation after so long and sad a travel, be returned backward, and that against the strength of a Solemn League and Covenant: I pray God we be not courted into the Cassandrian accommodation, into which Englands Prelates could not cudge us: it bodes no good, when Sacred Oaths are conceived to be Courts complements, State stratagems to be once used to effect a present design, and so laid aside to be no more regarded; or like riders knots, with which men at pleasure, play fast and loose.

I am not so rigorous as to extort the sence of an Oath beyond what its genuine construction will bear: nor can I allow a signification more laxe than the scope, Grammatical exposition, and Logical resolution of the words will admit: Some wits can
find,

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find, or rather fancy starting-holes in the strictest and plainest bonds, Proteus-like, turning any thing into any shape, thereby thinking to speak the weakness of an Oath, they shew themselves notoriously wicked.

— Mille adde catenas,
Effugiet tamen hæc sceleratus vincula Proteus.

*Hor. lib. 2. Sat.
tyr. 3.*

But the words of this Covenant are plain and clear to every common capacity; and in no part more clear than in that under present controversy (viz.) Reformation of Religion, wherein the Word of God is made the lanthorn to direct our course; and best Reformed Churches our lanced boights to detect our dangers in every time of Doubt: In the evils to be removed, that which might occasion the greatest doubt, is made most plain by the description of the object and denomination of the act. The Object is expressed by a term Prelacy, though general in its signification, yet by long and common appropriation, as obvious to vulgar capacity to denote a special kind of government in the Church, as tyranny in reference to the Common-wealth: Yet it is restrained by a more particular denomination Hierarchy, holy government by the order of holy high Priesthood (as some do fancy) and specifical description by its enumerated substantial parts, Archbishops, Bishops, Deans, Deans and Chapters, in which it formally existed; and separable adjuncts, Commissaries, Chancellors, and other Officers depending thereupon; so that these not in sensu composito (that the removal of any one Officer might suffice) but complexo, the Government containing all or any of these, is the object sworn against, appears to every unprejudiced Reader: and so it squares with the Act expressed by the most significant word which could be devised, viz. Extirpate; which certainly every ordinary reader knoweth to amount unto more than mutation, by dismembring some separable

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table adjuncts thereupon dependent, as Commissaries or Chancellors: or by limitation and regulation, which yet makes the Bishops holy hands essential to all acts of confirmation of Catechumenists, or Ordination of Ministers, or Jurisdiction in the Church, though there be never so many grave, learned, and pious Presbyters and Pastors: a few of whom may be his Lordships Council, without any intrinsecal authority in themselves and without him; whilst all men know to extirpare, signifies *una cum stirpe evellere*, to pluck up by the very root. In this point if the words of the Oath were not sufficiently clear, and the Lawyers rule *Lex currit cum praxi*, ² Bishop Hall may paint us to a comment: the Petition opposed by the * Remonstrant, defended by Smectymnus, presented to the Parliament, the debates, many speeches and resolves in the Houses which preceded and produced the advice of the Assembly of Divines, Ordinances of Parliament, and Oath of His most Sacred Majesty as King of Great Britain, in pursuit of the Covenant which ensued upon the swearing the same, hath written this sence in such legible Characters, that all may run and read it: And although I would not require any thing more, I can take nothing less (because God alloweth no abatements in an Oath) than what hath been sworne, though it should appear good and profitable, but not necessary, necessitate præcepti divini.

However others may flage and faulter, or fall off from the Covenant, I must tell the assertors of the Presbyterial Government, that if they have no conscience, they are hedged into the observance of it on the account of Credit: for the University of Oxford (as with them combined to their reproach) from the Jesuites and Sectaries, hath charged it to be their property, to swear one thing in their words, and in their own sence to mean another; to invent Oaths and Covenants for the Kingdom, dispence with them when they please, swear and forswear, as the wind turneth, like a god-ly

Reasons of the present judgement of the University of Oxford, concerning the Solemn League and Covenant. Self. 7 p. 21.

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ly-Presbyter: *which if any of them will dare to vertifie, they shall give me leave to mourn alone for their iniquity: for (by Gods grace) my soul shall not enter into the secrets of an Art so sinful and shameful before God and men; but study that rule, Be wise as Serpents, but innocent as Doves.*

Courteous Reader, I have held thee too long in the threshold; I shall stay thee no longer than to tell thee, if in any thing I seem indiscreet, it is in venturing something of answer to the Reasons of the Univerſity of Oxford (which every ſimple anti-covenanter, and ſcurrilous pamphleter (not able by the leaſt Caſuiſtical conſideration to diſcharge the Covenant) do revive, and run unto as the Gordian knot, never to be looſed; and to which my Antagoniſt Dr. Gauden (beaten out of his own divinity) doth retreat as to his impregnable Caſtle of confidence) which may indeed ſavour ſomething of arrogancy, in any ſingle Opponent, by whoſe over-matched weakneſs, the cauſe may ſuffer: Give me leave to tell thee, the dread hereof hath ſmothered in ſilence what is now drawn out by the reputation of unanſwerable reaſons they have received amongſt the enemies of the Covenant: I cannot live by an implicate faith; but in a caſe of conſcience muſt examine the conſiderations of the moſt learned Society. General Councils are more authoritative and authentique than any ſingle Univerſity; yet they have erred, and their errors have been detected by ſingle perſons: And how fooliſh ſoever I may ſeem, I have ſo much wit, as to know, Timidi & ignavi nunquam erigent Trophæum; honour attends not Daſtards: And again, Trophæum ferre me à forti viro pulchrum eſt; ſin autem & vincar, vinci à tali nullum eſt probum: It is an honour to Scanderbeg to beat, not any ſhame to be beaten by the numerous Turks: If I be vanquiſhed by their more learned pens, it can be to me no diſgrace, nor to truth any great damage, whilſt my being over-powered in ſo good a cauſe, will engage
more

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more able men, (who have any zeal for, or conscience of the Oath of God which lieth on us, our King, and Kingdom) to appear for the relief and defence thereof: In expectation of which, I cast my self on thy candor and ingenuity,

Zach. Crofton.



ΑΝΑΛΗΨΙΣ ΑΝΕΛΗΦΘΗ;

The Fastning of St. Peters Fetters:

O R,

The Solemn League and Covenant,

and its Conscience-binding Power

Asserted and Vindicated, &c.

in an Epistle to the Right Worship-

ful Sir Lawrence Broomfield, Knight

and Colonel in LONDON.

The PREFACE.

Right Worshipful,



F (without suspicion of blasphemy, and irreverence towards Sacred men, and Sacred writ)

I may pursue Dr. John Gauden's Metaphor, I

cannot but tell you, mens prophane neglect

and contempt of the Covenant did not a little

perplex me; but that Solemne and Sacred

Oaths, should be deemed S. Peters Bonds;

and that Protestant Divines (dreaming of an Apostolical Priority)

should by Popish Arguments, attempt his Release, to the

Re-establishment of the Papatum alterius mundi (as it was, is,

and must be owned) of Episcopacy in Lawn Sleeves, exerci-

sing Paternal Authority over their brethren, as the peoples * e-

quals and inferiors, because in black coats, did much more afflict

my spirit.

* Dr. John
Gauden's Ana-
lysis of the Co-
venant. p. 17.

Sir, in sence hereof, I did send out my *Analepsis* after the Do-
ctors *Analysis*: and made bold to withstand St. Peter to his

B

face,

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* *2 Cor. 12. 12.*
10.

face; for he was to be blamed; and indeed condemned (as * the word in *Gal. 2. 11.* doth signifie) and brought him back to prison (it must be so esteemed) with silence hearkening for his joyful songs, under Christ his Masters Yoke; and in those holy Scriptures; and resolved, submissively to wait on God, to perfect the peace and purity of his Church in *England*; and plead the quarrel of the Covenant; but the *Grating Files* of some (more willing than able to dismiss my prisoners) have disturbed my rest.

* *Sam. 18. 13.*
* A book so called.

Truly Sir, I love S. Peter better in bonds, than in the Popes Lordly Chaire: and was never yet reputed a Sceptique; and therefore cannot now brook to have my *Analepsis* out-run, and decided with an *anotum*, a *formal* escape from my due and diligent pursuit: and therefore must once more make bold, under your Worshipful name to send this *Abimeaz* after *Cusbi*, though on the same errand; whereunto I am no little encouraged, for that the * *Divers and Scriptures concerning the taking the Solemn League and Covenant*, which are by the Dr. (my Antagonist) and his Nephew *No-body*, commended to my consideration, hath done me the *honour* to couple you with me: and you the *honour*, as to tell the world, you abide as stedfast in the *Covenant*, as they found you in their first assaults.

Noble Colonel, I will not fear to be (in my place) your Second, under so holy an Ensign as is the *Solemn League and Covenant*; nor once doubt your courage in so good a Cause, which I wish may appear in Common-Council, not *Champion Fields*:
For Sir,

— *Tutus est contendere, veritas.*
— *Quam pugnant manu.* —

Sanctified words uttered from a sound minde, may subdue prophaneſs; and settle His Majesties Throne in *Righteousness*; and no way, disturb the peace of these too-long distracted Nations: rather than which, I desire never to put pen to paper.

Sir, Since my Answer to Dr. *Gandon's Sense and Salvation of the Covenant*, many Pamphlets have started into the world, to raise a dust, and make a noise in the streets; that the *Vulgar* may think, something may be said against the Covenant; but when they

The Fastning of St. Peters Fetters.

they come to be considered, they appear like the Apples of Sodom, or out-cries of affrighted women, who cry, *Stop, Stop, Hold, Hold*, but cannot stretch one hand whereby to hold or stay the pursuit.

The first of these, was John Rowland, a right Sir John Suckling in his pretended Reply to the Anonymons Answer to the Dr. wherein, more like a Sir John Countrey Curate, than Rector of Footscray in Kent, he answereth all matters of moment as to fact or notion, as if to a *Quis fuit hic sepultus* in his Church-yard, with *I know not, I cannot tell, I have not read, I have not the Book*, and the like: meriting to himself Ignoramus Motto, *Per verbum Nescio Resolvitur omnis questio*. Yet he giveth Mr. Crofton (the meinelst dwarfe, but) in his monstrous eye the Goliath of the Covenanters a most Capital confutation: Like a well-skill'd Pick-pocket, writing his name in such Capital Letters, that men may run and reade, and sucklings stand still, and gaze at them: but throughout his whole book meddleth not with him or his answer; and therefore my Rejoynder to his Reply, must be that of Sir Thomas Moore to the silly Frier,

A Rejoynder
to Mr. Row-
land's Reply.

*Tu bene cavisti ne te ulla occidere possit
Litera; nam nota est litera nulla tibi.*

Thou tak'st good care, the letter kill thee not,
Thy skill is such, thou know'st not *B* from *Ber*.

But yet in fine, by a *Hocus-Pocus* Postscript, he conjured Mr. Crofton into a Synonymy with *Anonymus*, and profoundly concluded, *Answer one, answer all*.

The next was a paper of the like stamp, but more immediately directed unto me: yet not to any thing of my Arguments. This was, *The Solemn League and Covenant discharged* by John Russell of Chinkford in Essex: This man pretends not only to loosen, but to annihilate St. Peters bonds, and for his strength and skill, was attested by John Gauden D.D. and yet he meddleth not with one of those Arguments he pretendeth to discharge, but starts a new notion, which, because it so well pleased the Doctor, shall (though not worth it) come in its place to be considered: I owe

Mr. Russell's
discharged dis-
charged.

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 In his Epistle. this man thanks for his good opinion of the modesty and perfection of my answer, which he saith, was only defective in point of memory; for that I did not remember the Kings Concessions which were voted a ground of peace, were with continuance of Episcopacy; but by his leave I remembered it, though my Argument led not to repeat it: and though he seem to forget, I remember the Concessions were to suspend Episcopacy, and the Lyrurgy, and admit Presbytery and the Directory, for three years: to him I say then,

Turpe est doctori, cum culpa redarguit ipsum.

He so calls it himself in p. 8.

And wish him, who so minds my memory, to look well to his Intellectuals: For, the last qualme of sadness made him half mad, to rage, and rave, That Mr. Crofton had urged the *Ligne de saint* in France as the President of the Covenant, who only rescued the Covenant from the odium of that comparison cast upon it by the Dr. and that, by the same Argument which himself granteth: (*viz.*) That though the *Ligne de saint* were sinful in the matter, yet it was lawful enough in the abstracted form of it: And here also he Rampantly braggeth, that he could produce an hundred precedents to square with the conditions of the times when the Covenant was taken; which, considering the Religion professed, the Kingdoms confederated, the Reformation pursued, the Authority directing it, and the like; if he find ten of his hundred, I will go to Bedlam; on condition, he lie there, till wise men discern the parallel: the common out-cry of others, is, *The like time was never seen*; but this was to ease his mind, as himself professeth.

The Bastardy of the League illegal.

The third was the Spurious *League Illegal*, falsely fathered on Dr. Daniel Featly, by the dignity of his name to deceive the World: but the feature of it is every way unlike a man so acute and Logical as was this Dr. as is evident in its *arguing idem per idem*, in the 8, and 11th Arguments, *generals from particulars*, Argument 8, page 26. its Contradiction to the Dr. who, in his Epistle to the Parliament, prefixed to his *Dippers Dipe*; denominateth the two Houses *Beauty and Bonds*; and owns the Commons as *Legislators*, the Lords as *Executors*, and determined their *Warre*, *a repairing the Temple with their Swords in their hands*:

whom

whom this Book (pretending to be written the same yeare with that Epistle) denyeth to be any *Lawful Authority*, and denounceth fomentors of that unnatural civil warre; nay, it is contradictory to it self; affirming, No people may make a Covenant in any case without the Kings consent, in page 15. Arg. 3. and yet affirmeth, that in sundry cases a people may covenant not only without, but against the consent and command of the King: unto which I might add an heap of non-sence observable in it, as, *That the Covenant is not a vertue*; for Aristotle saith, *virtus est habitus Electivus*, pag. 26. This piece looking asquint at me, is loaded with such railing Language, that it seems to have come from beneath: and must be owned as Dr. Featly's Ghost raised by the circle of his Executors fancy, to clear his way to preferment; it gives us arguments by number, not by weight: the force of any of them, is in the *Oxford Reasons*) that founttain that feeds, and Fort that guards all exceptions against the Covenant) and shall in its place be considered.

Page 20.

The fourth and last Pamphlet, no less ridiculous than the rest, as scarce having a grain of true Religion, or a scruple of Right Reason, is the *Doubts and Scruples* against taking the Solemn League and Covenant published by an aliquis Nemo, a man in the Moon, and so like to be resolved by *Nuper Nunquam*; but this is ushered into the world at its new birth, by the learned Epistle of Dr. John Gauden: and is offered to the consideration of Sir Lawrence Bromfield, and Mr. Zachary Crofton: and and so makes the Exchange ring, and streets roare with Dr. Gauden's Reply to Mr. Croftons answer about the Covenant; and so calls for regard; which otherwise was as fit Ware for the Tobacco-shops, as any the rest.

The doubts and scruples concerning the Covenant weighed.

* Being reprinted.

Truly Sir, I could not reade this Epistle without astonishment; for that instead of those cleare, pregnant, and constant beames of right reason, and true Religion, which shineth with the brightness and stability of Divine and humane Laws; and might be the pillars of this truth, firm support of duty, sure bounds of obedience, and safe repose of conscience, which he promised in his *Analysis*, and I demanded in my *Analepsis*; he doth *idem isdem verbis asserere*, affirm the same thing without distinction, in the same termes without variation, or other demonstration; only, (as having obtained his fancied paternal authority)

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ring) he doth something more Magisterially prescribe the performing of the Covenant against Schisme (which he would have us take on his word to be Presbytery, to which Dr. Usher would have reduced Episcopacy) and Superstition, before we consider its obligation against Episcopacy; and in a grave passion, brandeth the Covenant (himself hath sworn) with the Epithire of a Lawless unnational Covenant; and stigmatizeth the ex:ctors thereof, as Covetous, crafty men, engaged in the sacrilegious depredations of the Church, and unstable souls: which cannot be found in me: My 8. l. per annum, will not more acquit me from the one, than my Sequeltration for adhering to the Covenant, will acquit me from the other: But he addeth, Or silly souls; and such an one I may be; yet will play the fool in glorying in such godly simplicity: In this heat he chargeth all Civilians and Casuists with foolish and fanatique Superstition, as well as mad and violent Schisme in teaching men to avoid what is good, honest, just, and lawful, because of a supposed and confessed abuse thereof; not so much as favouring Hezekiah, who demolished the brazen serpent; nor Paul in his resolution, Never to eat flesh in his future diet; we may be assured, he will never be so superstitious or schismatical, as to cut off his right hand, or pluck out his right eye (which are good, honest, just, lawful members) in case they offend him, though the Lord Christ himself hath so directed.

But Sir, with what face think you can Dr. Gauden again urge against the Covenant, the defect of authority, its sad effects, the obscurity, ambiguity, and seeming discrepancy of the Covenant, for the discharge of its obligation, whilst he hath been fully and soberly answered as to these things, and hath made no Reply? How is it that he presseth forward his Episcopacy without distinction? and yet I have told him there is Papal Episcopacy to be extirpated, and a Presbyterian Presidency (pointed unto by the Primate of Armagh) to be advanced. Knoweth he not *quis bene distinguit bene docet*? or doth he disdain, to take truth from so mean an hand? He is a Minister; so am I; though my poor estate, numerous family, or want of the Kings Grace, will not allow me to write D. D.

But seriously Sir, though Popish do, methinks Protestant Bishops should not disdain a Reformation in a Luther's hand: Let
him

him then consult Dr. *Saunderson De Juremendo*, and if he square with, or I differ from his divinity, let him be *burn'd*, and me be *hiss'd*, & *contra*. I believe he would not have us think him so ambitious of his Episcopal Sea, (to which some say he is promoted) as for it, to *break his Covenant*; and *brow-beat his brethren*; and rage against the Oath of God with *à non amo te*—and being demanded a reason, can say no more than *Non possum dicere quare*: Sure he is not so stout a Sophister, as to pass the *premises*, and stand to the denial of the *Conclusion*. If he have attained to a *Papal-Episcopal-Chaire*, I hope he will not pretend to the *infallibility of it*, and bind our faith on his *ipse dixit*. Verily Sir, I cannot but say to the Dr. concerning his Analysis, and this Epistle, as *Erasmus* to *Faber of Vienna*,

*Mente cares, si res agitur tibi seria; rursus
Fronte cares, si sic ludis, amice Faber.*

Whether he be *proudly mad*, or *foolishly pertinacious*, I will not judge; but must yet call on him to *remember the Covenant*, and consider from whence he is fallen, and repent; he had need to run to the Common Refuge, the *Oxford Reasons*; but it is well, if they prove not a broken Reed, more to wound, than defend him.

Sir, notwithstanding these and the like Squibs and Crackets flung out against the *Solemn League and Covenant*, to make prophane men sport, and expose it to vulgar scorn, more than satisfy conscience, the Covenant keeps the field in its full force and vigour, and *St. Peters bonds abide*. I shall not therefore waste time and paper, to trace their follies, and tire my Reader with an Answer to words without weight; but in pursuit of (the *Edification of souls*;) the end of my Ministerial Writing, as well as Preaching, *Fasten St. Peters Fetters*, and secure my prisoner by a Chain made of these seven Links or Propositions; which being cleared and confirmed, will extend the influence, and enforce the obligation of the Covenant, against that prophane opposition which is made unto it, (*viz.*)

1. The asserting the *Solemn League and Covenant*, and its obliging force, is a duty indispensably incumbent on every man in his

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his place; but especially on the Ministers of the Gospel.

2. The irregularities in first making the Covenant, will not discharge its obligation, now it is made and sworne.

3. The matter sworne in the Solemn League and Covenant, is just and lawful; to be maintained and pursued.

4. The form and manner of making the Solemn League and Covenant, was good and allowable.

5. The Ambiguities and Contradictions of the words in the Solemn League, are imagined, and not real.

6. The Covenant in its quality, and for its obligation, is publick and National, as well as private and personal.

7. The Solemn League and Covenant is in the nature of it permanently binding; and no way to be absolved or discharged.

Of these then particularly, and in their order: And first of the first of them.

Sectio Prima.

Proposition: *The asserting the Solemn League and Covenant, and its obliging force, is a duty indispensably incumbent on every man in his place, but especially on the Ministers of the Gospel.*

WHilst we consider this Proposition, and frame this Link of our Chain, we must take the Covenant in its *abstracted* form, as it is a Solemn Compact confirmed by an Oath, in which God is witness, or party, or both: And at present take it for granted, that the matter of it is *true, just, and lawful*; which yet will hereafter in its appointed place be discussed.

And as such, I say the *asserting of the Covenant, and its obliging force*, unto the exacting of performance, and rebuke of negative or positive breach of it, in not doing, or in doing contrary to what is covenanted, is a duty indispensably incumbent on all men in their places; (*viz.*) in their publick or private capacities; wherein they are to express themselves, and expect others to be acted (as men and Christians) by the dictates and directi-

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ons of conscience, in order whereunto, the *Covenants* in which they bind themselves each to other, or joyntly to God, as well as *divine counsel*, must be their compais, to guide their course past dangers and destruction.

Conform hereunto was the commendable carriage of *Cyth* the younger brother, but faithful Councillor to *Harold King of England*; who considering the state of the Quarrel between him and *William Conqueror*, gave the King this warning, *In case you Cambd. Brit. p. have made promise to William of the Kingdom, withdraw thy person out of the battel: For, surely, all thy forces shall not secure thee against God, and thy own conscience, who will require punishment for breach of faith and promise.* 149. 150.

Every man, is, in charity, bound to be an Angel to an un-mindful *Jacob*, in point of his vow to God; and Monitor to his back-sliding brother: but it especially belongs to *Gospel-Ministers*, who being Gods *Watchmen* against sinne, and his peoples *Remembrancers* unto duty, are not only by *Common Charity*, but also by *special Office*, bound to give warning against approaching evil, contracting guilt, and impending judgements of God; and that as they will acquit themselves from the blood of those im-mortal souls, who slip into, and perish by their sin: On this account the Word of the Lord cometh unto his Prophets, with a Say unto them, *Thus saith the Lord, I will give the men which have transgressed my Covenant, which have not performed my Covenant; even the Princes of Judah, and the Princes of Jerusalem, and Zedekiah the King, into the hand of their enemies,* Jer. 34. 18, 19, 20, 21, &c. And therefore, the censure of being contentious, or danger of being cast into prison as *seditions*, and losing all their comforts, must not deterre the Ministers of God from coming to the King, and crying out in the Name of the Lord, *Shall he break the Covenant, and be delivered? shall he do such things, and prosper, and escape?* Ezek. 17. 13. for in case of silence, the sin will lie on their heads, and the stones in the street will cry out.

This is a principle so common, and clear, that none, professing Reason or Religion, dare deny it: and the reason of it is written in such legible Characters, that all may run and reade it, (*viz.*) The Covenant is an Oath, the highest appeal to God, who must not, will not be mocked, or made a witness to his own

The duty urged from piety towards God.

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disbounour; but will punish the breach thereof as a most heinous sinne. Therefore the Ministers of God (standing in his stead) must with all zeal, exact the accomplishment of it, as the practice of piety dependant on such a piece of worship: Remembring God hath strictly charged, That if a man vow a vow, and bind his soul, he shall not break his word; he shall do according to all that proceedeth out of his mouth, Numbers 30. 2. So that in piety to God the Covenant must be kept, and its obligation be asserted.

2 Loyalty to
the King.

Loyalty to the King, is no little swasive to this duty: for that leads to all fidelity in discharges and prevention of every thing destructive and dishonourable to His Majesty: Perjury (most odious to God and man) is abominable in any; and most conspicuous in a Prince. Who can without dread, remember the fierceness of Gods fury against *Zedekiah*, for breaking the Oath, in-to which he was forced by the straitest Siege? Or, observe the Odium that abideth on *Albert* the Emperour: *Almerick* King of *Jerusalem*: *Uladislaus* King of *Hungary*, and the Christian-Princes, for breaking their Covenants with the *Turks*? and the the obloquy indelible which lieth on *Eugenius* and *Sylvester* Popes, and *Julian* Cardinal of *S. Angelo*, and the order of *Templars*, for abetting and advising (by the same Arguments urged against our Covenant) the breach thereof? Can any true *English* man, and Liege Subject, without horror call to mind the perjury of King *Harold*, which let in *William Conqueror* to our Land? and how King *John* was made odious, and deserted by this outcry, *Withdraw your selves from a perjured King*, and not in fence thereof be stirred up with zeal to assert the Covenant? which broken, will load with shame, and subject to the displeasure of that God, who can destroy both us and our King, so happily restored to each other.

True Loyalty is no less studious to establish the Kings Throne in Righteousness, than obsequious to the Royal expressions of His Pleasure: Yet to such as center Loyalty in the last, I would advise, that they would seriously consider, That howsoever His late Majesty of Honorable Memory (for the conscience of His Oath) was acted by the misapprehension of the Covenant, to interdict it; yet He was more sensible of its obliging force when taken, than to attempt the discharge thereof; and therefore in His
Soli-

Solitudes He adviseth His Subjects unto the *Keeping of the Covenant* in all honest and just wayes, as thinking the chief end of the Covenant in many the takers intention, was to preserve Religion in purity, and the Kingdom in peace; and as one under the awe of the Oath of God, chargeth His Most Sacred Majesty that now is, That if God bring Him to His own on hard conditions, He should be careful to performe what He should promise: And His Most Sacred Majesty, as a most obedient Sonne to a Father so piously prudent, having Himself sworne the *Solemn League and Covenant*, and the establishment of it in all His Dominions, by His Royal Declaration, of August 16. 1650. from *Dumfirling*, professeth Himself Deeply humbled for His Fathers opposition to the Covenant; and that on full perswasion of the justice, and equity, of all the Articles thereof, He had sworne and subscribed the *Solemn League and Covenant of the three Kingdoms*; and that He was fully resolved (in the Lords strength) to adhere thereunto, and to the utmost of His power, in His place and station, really, constantly, and sincerely to prosecute all the ends thereof, all the dayes of His life: And by His Royal Command, doth conjure all His Subjects who have stood against the *Solemn League and Covenant*, and work of Reformation, to lay down their enmity, protesting to have no enemies to Him, but the enemies to the Covenant; nor friends to Him, but friends to the Covenant; So that if Loyalty consist in a conformity to the Kings minde; (as most Courtiers considering what may please, not what may profit, place it;) the respect due to the Memory of His Late, and the dread we owe to His now Majesty, must animate, and engage the asserting of the Covenant, and its obliging force: For no faithful Subject will dare to fancy, that either the one, or the other, designed by these and the like expressions to mock God and the World.

The contemplation on the Covenant.

The Love of our Country, and our own interest therein involved, is not the least spurre unto this duty: For such is the deep die of perjury, that it polluterh the Land, and placeth it under the most direful of Divine plagues. The Heathen detest the breach of Oaths, and Covenants, as that which driveth out of humane Society, and destroyeth men and their posterity by most heavy plagues: Juvenal telling us of the sad miseries which befell *Glaucus Epicydes*, for the purpose of breaking his

3 The love of our Country,

The Fastning of St. Peters Fetters.

Oath, which yet passed not into act, concludes,

Hinc patitur poenas, peccandi sola voluntas.

And *Herodotus* hereupon observing the improbable, impossible miseries which did overtake and subvert the very house and stock of the perjured, concludes,

*At Jramento quædam est sine nomine proles;
Trunca manu, Trunca pedes; tamen impetu magno
Advenit; atq; omnem vastat stirpemq; domumq;.*

An unknown strength from Oath there doth proceed,
Without running p^{er}ce, or hands to do the deed,
Subverts the house, and makes the stock to bleed.

Historians observe *perjury* to have lien so at the root of the *Holy Warre*, that it could never prosper; our own *Chronicles* conclude, *breach of Covenant* brought in the *Conqueror*, and the *Barons Warres*; and the *Scriptures* witness the *three years wasting Famine* in *Israel*, to have been the fruit of *Sauls* well meant *breach of Covenant* with *Gibeon*, only expiated by the extirpation of his family: So that love to our Countrey, and our selves as like to be shares in its calamity, which can only be prevented by paying the vows we made to God, must quicken all men, especially Ministers, to cry, and cry aloud, Remember, regard the *Solemn League and Covenant*.

4. By the bond
of the Cove-
nant it self;

Unto these considerations the Covenant it self addeth no little strength, whilst we have sworne not to suffer our selves directly or indirectly by whatsoever combination; persuasion, or terror to be withdrawn from it; nor to give up our selves to a detestable neutrality, and indifferency, but in our places and callings, to maintain it, and assist such as enter into it; whereunto the asserting of the Covenant, and its obliging force, is not the least serviceable; nor most out of our capacity; it being all, the places of the Ministry will allow them to do.

These things considered, as I cannot but commend, and rejoyce in the assertion and exaction of the *Solemn League and Cove-*

nant

nant as to the *Civil* part of it concerning our *King and Kingdom*, which was expressed by the *Secluded Members* of the long Parliament, and by the *Ministers of London*, and other *Counties* in their *Pulpits*, and *publick Testimonies to the Solemn League and Covenant*, Printed with their names subscribed, provoking their people to cleave to the Covenant; so I cannot but admire at their present silence, as to the *Religious* part of it, which concerneth *God, his Church, and worship*: but I am much more amazed, to see Eminent Divines, *who have sworn it*, not only to slight the Covenant, but to strain their wits, parts, and Learning, by false glosses, and foolish Arguments, to make it void, and discharge its obligation; and to make up their defect of reason, and Religion, by railing at, and reproach of such who in conscience of duty assert its obligation: counting them *troublers of Englands peace*; *spirits of contradiction*, acted by Malice, as doth *Feastly* in his Preface to his *League illegal*: or *silly, unstable souls*, (standing still, whilst these run away) *urging the Covenant on private interests of profit, revenge, envy, and ambition*: And the like as *Dr. Gauden* in his *Epistle to the Doubts and Scruples*, &c. I would pray these men to tell me in cool blood, and on serious thoughts; supposing, as I said before, the Covenant to be a just, publick, Sacred, and lawful Oath; whether they think any that have *zeal for God, Loyalty to the King, and Love to their Countrey*, can see *Superstition* added to that height, as to make the Papists smile at the return of that Similitude to their worship, of which they were wont to boast; and not barely an *Episcopacy* restored, but that very specifical *Prelacy* covenanted against (in most express termes) advanced; whereby the Covenant is not only condemned, but openly contradicted, and yet be silent and not plead the Covenant: Or again, is duty a proper turbulency? if only such by accident, must not Gods Ministers contend against sin to prevent Gods contending by his plagues against the Land?

But Sir, to conclude this Section, I would pray that our *Master-builders*, in the re-edifying of their *holy Fabrick*, (greatly delapid and decayed) would vouchsafe to cast their thoughts upon an observation made by an Author (who cannot but be) acceptable to them (*viz.*) *Mr. Tho. Fuller* Prebendary of *Sarum*, who in his *Holy War*, casting up the Causes of the sad Catastrophe

The Fasting of St. Peters Fasters.

phoe of so hopeful and honourable an undertaking, Reduceth the *Summa totalis* to *superstition* and *perjury* (usual concomitants) and on the last he thus glosseth :

Fullers Holy
Warre, lib. 5. c.
11. pa. 248.

How could safety it self save this people, and blest this project, so blackly blatted with perjury? (how then should their Watchmen be silent?) a sin so repugnant with moral honesty, so injurious to the peace and quiet of the world, so odious in it self, so scandalous to all men, to break a League when confirmed by Oath; (the strongest bond of conscience, the end of particular strife, the Soulder of publick peace, the assurance of amity betwixt divers Nations, made here below, but enrolled in his High Court, whose glorious Name dorth sign'it) a sinne so hainous, that God cannot but most severely punish it : *David asketh, Who shall dwell in thy holy hill?* and answereth himself, *He that sweareth to his Neighbour, and disappointeth him not, though to his own hindrance.* No wonder then, though the Christians had no longer abiding in the Holy Hill of *Palestine*, driving that Trade, wherewith none ever yet thrived : *the breaking of promises*, wherewith one may for awhile fairly spread histraine, but will melt his feathers soon after, the Fabrick must needs come tumbling down, whose foundation is laid in perjury.

Surely Sir, such as affectionately believe this doctrine, cannot but passionately apply it, to cry aloud, and not spare, Remember the Covenant. I grow Sir, not a little suspicious, that the last stratagem of the Propagators of the Catholique Cause, is by their Jesuitical Sophistry, to strike *England* into the guilt of *perjury*; and then to blaspheme our Religion, and deride our Nation, as did *Agésilas* the Grecian Captain in his answer to *Tissaphernes*, the Persian breaking the League he had made with him, *I give you no small thanks, for that by your perjury, you have made the gods angry with the Persians, and favorable to the Grecians.*

Seccio Secunda.

Second Propos. The irregularities in the first making the Covenant, will not discharge its obligation now it is made and sworne.

VV Hil't we consent unto the common conclusion of the Canonists, That *juramentum non est vinculum iniquitatis*, an Oath must not be the bond of iniquity; and commend to all men their counsel, as indeed a duty, In *malis promissis rescinde fidem*, in promises of evil make no conscience to keep, nay make conscience to break your faith; yet we must consider, and warily distinguish between the *rem juratam*, and *actum jurandi*, the act of swearing, and the matter sworne: For in respect of the last of these, the Rule is to be understood, and the obligation to performance doth thereon depend: Such is the reverence of an Oath to all men, Heathen or Christian, that rashness and irregularities in obtaining and actually passing the Oath, would never be admitted as sufficient to discharge its force.

The Rule of the Schoolmen received by all Casuists and Civilians, must here be observed, *juramentum promissorium non potest dispensari secundum se, sed tantum ratione materiae indicibit*; A promissory Oath cannot be discharged by any reason, but the unlawful matter of it: And hereupon it is agreed on by all Divines, That the ground on which an Oath shall lose its force, must be intrinsecal of the body, substance, and matter of the Oath; not extrinsecal, and accessory to the Oath: It must be the *sinfulness* of the thing, and matter sworne; not the *Circumstances* conversant about the act of swearing: which may be sinful, and must be shunned, but avail not to discharge the Oath when taken: Well doth the Oxford Professor distinguish, and Sanderfon de *Juramento*. tell us, They are two several questions to be distinctly resolved according to the condition into which a man is cast: The one is *an hoc vel illud juramentum sit licitum*, whether the Oath be lawful? And the other *an juramentum hoc vel illud obligat*, whe-

Tho Aquin. par.
22e. q. 1. c. 89.
Art. 9.

whether the Oath do bind? For that Oath may be *unlawfully sworn*, which must everlastingly bind when sworn: That sin is to be avoided in entering into a Covenant or Oath, which may be repented of without retraction of the Oath when sworn: The name of God too many times is (though it ought not to be) taken in vain by *Rash swearing*: yet must not be blasphemed by *forswearing*.

An Oath is an Obligation so Sacred and permanent, that many conditions are required unto a regular acting of it: At first it should be the act of a deliberate, not distempered mind; not the effect of a distressed condition; clearly propounded, and rationally received, not obtained by fraud, nor imposed by force: but where, in any, or all these, and the like, there is a defect, and disorder, or miscarriage, that men with *Jephthah* rashly swear such a general Oath, as may rob them of the dearest of their delights, when it comes to performance: Or with *Zedekiah* be besieged by Warres without, and tumults within; to covenant, and confirm by Oath, conditions dishonorable, and burdensome: Or with *Josuah* and the *Princes of Israel* to the *Gibeonites*, swear beyond their intention; and almost the import of their expressions, there being an apparent fallacy in the foundation, and procuring cause of the contract; yet in these and many the like cases the rule is most certainly to be admitted, *Quod fieri non debuit, factum valet*, these things ought not to have been done, but being done, do bind the conscience.

I wonder how men can press this Rule in case of Baptisme by Women, or Children, and Lay Persons, (in which I humbly conceive it cannot hold) and not regard it in an Oath; whose nature is such as administred a reason for this Rule, and makes it necessary.

Many instances in story might be given to amplify this position; but (lest I should seem to leave the Road without Reason) I shall only offer the example of the Covenant with the *Gibeonites*; for the clearness of its demonstration commonly produced by all

Grotius de Jure
belli & pacis.
lib. 2. cap. 13. p.
310.

Casuists in this very case. Grotius out of *Ambrose* noting the surreptitious, fraudulent obtainment thereof, doth note, *Decepi erant à Gabaonitis à regione longinqua se venire fingentibus; Josua tamen pacem quam dederat revocandam non censuit; quia firmata erat sacramenti Religione, ne, dum alienam perfidiam*

arguit, suam fidem solveret : The Translation of which I shall offer by a Reverend Bishop (most acceptable to our Anti-covenanters) who chargeth this deceit to have been the just effect of their sinful neglect to consult the Oracles of God; and saith 'the facility of *Israel* led them into a League and Oath for the safety of the *Gibeonites*; and now, within three dayes, they find their Neighbour-hood and deceit; *Josuah* might have taken advantage of their own words, to dissolve this League, and have said, 'Ye are come from a farre Countrey, these Cities are near; these are not therefore the people to whom we engaged by our promise or Oath: and *Israel* had put in a direct Caveat of their vicinity; so that it might seem questionable whether *Josua* needed to hold himself bound to this Oath; yet dare not *Josua* and the Princes trust to shifts for the eluding of this Oath, but must faithfully performe what they had rashly promised. *Josua's* heart was clear from any intention of a League with a *Canaanite*; he gave his Oath to these disguised strangers; yet he durst neither Repeal it himself, neither do I hear him sue to *Eleazar* the High Priest, to dispence with it; but taketh himself tyed to the strict words of his Oath, not to his own purpose: his tongue had bound his heart and hands, so as neither might stirre; lest, whilst he was curious of fulfilling the Will of God, he should violate the Oath of God.

Jos. Hall Bishop of Norwich.

Halls Contemp. p. 918.

But Sir, how dissonant to these dictates of this Reverend Father, are those sons of the Church? who strive for a *Bishoprick* by sinful casting off the Covenant on a pretended inadvertency in swearing it at first; and putting on it a sence agreeable to their purpose, which is repugnant to the plain and expresse letter of the Covenant in the point of *Episcopacy*; correcting their infirmity *Graviori peccato*, with a more grievous impiety; mending rash swearing, by plain perjury; and after a sober admonition and refutation, pertinaciously retain their resolution, by publishing the very same pleas for breach of Covenant, and braving it to the World with a bold asserting, *No Sacred Oath or Promise can bind the soul of man from its just freedome, which is rational, civil, moral, legal and religious; nor can it be bound to execute or fulfill any such, when it is willingly, or by inadvertency, or malice, formally engaged by them, but not really to them.* I wish Sir, that his Doctor would attend Doctor *Halls* di-

Dr. Gaudens Epistle to the doubts and scruples about taking the Covenant.

vinity with as much diligence, as he seems to me to affect his Dialect.

What a *preposterous, immethodical course*, do the Divines of our time take to discharge the obligation of the Covenant, by *scandalizing* the same with the *irregularities which attended the first taking of it*? That many miscarriages occasioned by the commotion and turbulency of those martial dayes, (in which it was digested and propounded to the people.) did accompany the Covenant when tendred, and first taken, I can easily consent : but not so great, as they seem in the multiplying-glass (of passion and prejudice) by which they are now foggel'd : much less were they so great, as to discharge the bond of it. I confess the Covenant ought not to have been the effect of *Scottish importunities, or English compliances*; nor to have been brought forth by the *midwifery of tumults, and engaged enraged armies, parties, and factions*; nor its convictions and persuasions to have been by *sequestrations and imprisonments*, as Dr. Gauden in his *Anabaptist* suggesteth; but I (on grounds urged in my *Analepsis*) cannot yield it was; yet grant it, will these things avail to the discharge of its binding force, and make it void? Nothing less.

League in the
Illegal.

Nay Sir, should I consent and subscribe unto the verity of the Arguments urged by Dr. Featly his ghost; and admit (what I shall hereafter deny) 1. The supposed Solecisme and mistaken order of the words in the Covenant. 2. The supposed end and aime of the Contrivers of the Covenant. 3. The want of authority in the Imposers. 4. The ambiguity and seeming contradictions of many expressions. 5. That many took it not in Truth, Righteousness, and Judgement. 6. That it wants warrant in Scripture, and is only bottomed on the basis of Natural Policy. 7. That it is derogatory to Englands honour. 8. Taken without important cause, and urgent necessity; and so was faulty in these and the like Circumstances, which call for Repentance in Imposers and Takers; yet it must be a Solecisme in divinity, to awake this book, and send abroad these exceptions against the Act of making and swearing the Covenant, in hope that a review of them may make us *Repent and be wise, and to confirm men* (the Apostates) *in their* (aversion, pretended) *conversion from the Covenant, and draw others from it by the strength of conviction*:

I will grant his Maxime, *Deliberandum est diu quod statuumdum est semel*: And (though I believe the determination of the Covenant was on due advice) yet we will consent unto him to repent and confess *these mistakes*; But I must tell His Majesties Chaplaine, That Dr. Saunderson will not upon all this, give us leave to cast off the Covenant; but constrains our consciences to revive it. *Juramentum de re non illicita, fit alinnde illicitum, ex aliquo externo defectu, & propter aliquam indebitam circum-* *Saunderson de juramento, prel. 2a. p. 55.*
stantiam respectu actus jurandi, possit obligare jurantem, adimplendum quod promissit. An Oath lawful in the matter, unlawful in external, undue circumstances in the act of swearing, binds to accomplishment.

This Sir, hath the more influence upon me, because it is Oxford divinity, conceived to be read on the occasion of this Covenant: We confess with *Augustine, David juravit temere, sed non implevit majori pietate, David swore rashly, but with piety repented and retracted*, because the matter, self-revenge in Nabal's ruine was wicked: which is not our case; when the matter of the Covenant appears to be manifest sinne, we must retract it; till then we will repent *rashness, unadvisedness in the act*, but retain its obligation, lest we patch up sinne by sinne.

Now I deal with His Majesties Chaplain, may I Sir, make bold to whisper another notion of Divinity in his eare; he may have occasion and opportunity to use it: Sir, it is this, That a Peoples imposing on their Prince, and binding him to termes, and bringing him under an Oath, not only for themselves, but all their fellow Subjects, in all or any the Kings Dominion; (for which Act the Scots are much censured, and could I have advised, should have been more innocent) *savours something of disorder, tumult, irregularity, and vulgar violence*; and yet *Grotius* determines, (the matter being lawful) *it obliges the Prince so sworne*; because God is invocated, and the King was voluntarily subjected: Though he doubt the power of Co-action of a Princes performance by men; yet he affirms the obligation before God: His conclusion is this on the discussion of the Question, *Dicimus ergo, ex promisso & contractu regis, quem cum* *Grotius de jure belli & pacis. l. 2. c. 14. p. 233.*
subditis iniit, nasci peram ac propriam obligationem, que iudet subditis: The Promise or Covenant into which the King

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shall enter with His Subjects, doth engender a true and proper obligation, and conferre on the Subjects a right wherein to demand performance. I will not justify all past actions, but can scarce refrain from adding to the Letany, From contrary Coronation Oaths, good Lord deliver us.

Not to judge
the consciences
of others,
but to clear our
selves before
God and the
world, from all
suspicion of ob-
stinacy-Oxford
Reasons, Pref.
P. 1.

Lastly, How farge wide do they shoot, who direct the private doubts and particular scruples of private persons or societies, against the taking the Solemn League and Covenant, to discharge its obligation? Men Print, and reprint the *Oxford* Reasons, and make a great noise with them in the world; and yet, they are meere private Reasons, professedly relating to their own refusal of the Covenant; and they never tell us whether they or any of the persons concerned, received satisfaction to their Reasons, and after submitted to the taking of the Covenant; nor is it considered the Reasons do profess an *Apology*, and pray a personal excuse of themselves from the Act, but do not so much as pretend to acquit the bond of the Covenant to such as had taken it; now granting that these Reasons might have that force that the Authors of them could not without sin conform to the Act of taking the Covenant; yet they be of no force at all to weaken or dissolve its bond.

Let me therefore say, Sir, to these who offer to your and my consideration their doubts and scruples against taking the Covenant, and scatter abroad papers of this nature, that they manifest their malice and prophane enmity against the Covenant, by subjecting it to vulgar scorn, and laying open their own nakedness, as if it were the nakedness of the Covenant, and run away Railing against the Covenant, as of no force or obligation, as void and null, on a meere *Petitio principij*, base-begging the Question, and taking it for granted, That what makes the act of swearing sinful, makes the Oath void; and supposing a weight (which is very little) in their exceptions, to words, method, form, order of the Covenant, and the imposing it on the people; which might have kept some men from swearing, to be sufficient to discharge all that are sworn. If they will indeed batter the Covenant, they should pierce into the body of it, and prove the matter of it unlawful; and then will I also shake off the Covenant for ever. Till then, I answer in the Negative to my own enquiry in *Saint Peters bonds abide*, pag. 13. to make the

the worst of it, a tumultuous Assembly come before us with sword and Scepter, say they are a Parliament, and have lawful, constant, and compleat Authority; and therefore will put an Oath and Covenant upon us: and silly, inconsiderate we, are not so well-skill'd in Politicks, or acquainted with the Constitutions of our Countrey, to detect their fallacy; but think all Authority is within those Walls, and obedience must be yielded to what is there commended; and so we are beguiled into the Oath: nor are we so hardy as to endure their violence, but by fear are forced into the Covenant; is it therefore voide? for we have opened our mouths unto the Lord, and cannot go back,

Sectio Tertia.

Proposition 3. *The matter sworne in the Solemn League and Covenant, is just and lawful to be maintained and pursued.*

THAT we may discover the lawfulness of the matter of this Covenant, we must observe that in respect thereof, it is partly assertory, and partly promissory.

Assertory in the Preface of it, viz. *We Noblemen, Barons, Knights, Gentlemen, Citizens, Burgesses, Ministers of the Gospel, and Commons of all sorts, in the Kingdom of England, Scotland, and Ireland; by the providence of God, living under one King, and being of one Reformed Religion, having before our eyes the glory of God, and advancement of the Kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the King's Majesty, and His Posterity, and the true publique Liberty, Safety, and Peace of the Kingdoms, wherein every ones private condition is included; and calling to mind the treacherous plots, conspiracies, attempts, and practices of the enemies of God against the true Religion, and Professors thereof in all places, especially in these three Kingdoms ever since the Reformation; and how much their rage, power, and presumption are of late, and at this time increased and exercised: whereof the deplorable*

The assertory part of the Covenant.

The Fasting of St. Peters Fetters.

plorable estate of the Church and Kingdom of Ireland, the distressed estate of the Church and Kingdom of England; and the dangerous estate of the Church and Kingdom of Scotland, are present and publick testimonies: We have now at last (after other means of supplication, Remonstrance, Protestation, and sufferings) for preservation of our selves, and our Religion from utter ruine and destruction, according to the commendable practice of these Kingdoms in former times, and the example of the people of God in other Nations after mature deliberation resolved and determined to enter into a mutual and Solemn League and Covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most high God, do sweare.

Though this Preface may seem and be said to be no part of the Covenant, yet it being a Solemn Profession of the grounds and reasons on which the Covenant was made, and was declared in the very Act of swearing the Covenant, by all that swore it, we shall own it as a part thereof.

The Covenant is further assertory in the Conclusion, (viz.) And because these Kingdoms are guilty of many sins and provocations against God and his Sonne Jesus Christ, as is manifest by our present distresses and dangers, the fruits thereof: We profess and declare before God and the world, our unfeigned desire to be humbled for our own sin, and for the sinnes of these Kingdoms, especially that we have not as we ought valued the inestimable benefit of the Gospel; that we have not laboured for the purity and power thereof; and that we have not endeavored to rectifie Christ in our hearts, and to walk worthy of him in our lives, which are the causes of other sins and transgressions so much abounding among us; and our true and unfeigned purpose, desire, and endeavor for our selves, and all others under our power and charge, both in publick and in private, in all duties we owe to God and man, to amend our lives; and each one to go before another in a real Reformation, that the Lord may turn away his wrath and heavy indignation, and establish these Churches and Kingdoms in truth and peace. And this Covenant we make in the presence of Almighty God the searcher of all hearts, with a true intention to performe the same, as we shall answer at the great day, when the secrets of all hearts shall be disclosed: Most humbly beseeching the Lord to strengthen us by
his

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11

his Holy Spirit for this end, and to bless our desires and proceedings with such success, as may be deliverance and safety to his people, and encouragement to other Christian Churches groaning under or in danger of the Yoke of Antichristian tyranny, to join in the same or like association, and covenant to the glory of God; and enlargement of the Kingdom of Jesus Christ; and the peace and tranquillity of Christian Kingdoms and Commonwealths.

This Covenant is promissory in the six Articles thereof.

Concerning the assertory part of the Covenant it must be noted; That although it should have been unlawful, because untrue in the grounds or reasons pretendedly inducing to it, and so hypocritical and fallacious in the humility, zeal, and resolution in the Conclusion protested: whereby the takers in deceiving others, may have deceived their own soul, and bound themselves under a certain expectation of the wrath of that God of truth and jealousy, who hath been called as a Witness of such wickedness: yet this fallacy will not discharge the obligation of the Covenant: For an Oath binds according to expression, not the takers reserved intention; and therefore Grotius telleth us, That if a man in his assertory Oath do *ῥησιν*, swear falsely, this will be no warrant for his *ἑμπερι*, for not performing what he promised; and concludes, *Siquis volens jurare obligare se voluerit, non eo minus obligatur*; none but Jesuites will say that a man swearing, and in the act purposing not to binde his soule, (and thercof making a secret appeal to God) is free, and not bound by his Oath: For this is expressly against the nature of an Oath; whose obligation is inseparable from its Act: And therefore the same Author saith, *Siquis deliberato protulerit verba jurantia, animo tamen non jurandi obligatur*; and this is no other than Oxford Divinity, *Siquis ex aliqua dolosa intentione velit putari jurasse, habebit apud ipsius omnem obligandi effectum*; a man is bound by the action of swearing even beyond and contrary to his own intention; and this is evident in *Israhel*, and his Oath with the *Gibeonites*; obtained by fraud, and founded in falsehood; against which they had entred an expreis Caveat, it being farre from his intention to make a League with a *Canaanite*; yet he and all *Israel* were bound by it, as in the former Proposition it hath been cleared.

Falshood in the Preface, but not the obligation of the promise.

Grotius de jure belli & pacis. l. 2. p. 218.

Sanderf. de Juramento loc. 5. p. 160.

But

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But why do I stand to establish the obligation of the *promissory* part of the Covenant, against the falshood of the *assertory* part of it, whilst no such falshood appears? As for the *Conclusive protest*, it lieth out of humane cognizance, and is only obvious to the *searcher of hearts*: And to me he must be strangely blinded by *passion or prejudice*, that seeth, and subscribeth not to every part of the Preface as true; yet some there are, who, (though they could not speak out) are willing to suggest a *Lye* chargeable on the same; and therefore the Covenant must be in this point vindicated against their exceptions, pretended Doubts and Scruples urged against the taking of the Covenant: Give me leave a little to weigh them.

The assertory
part of the
Covenant vin-
dicated.

The first I shall take notice of, is, the *Anonymus Doubts and Scruples* recommended to the world by Dr. Gauden, and offered Sir, to your and my consideration; and his Quarrel, (I should say) Scruple, is against the Title of the Covenant, which is certainly no part of it; which he thus frameth:

Exception of
Doubts and
Scruples.

I have not met with any Declaration to assure us, that Commissioners of each Kingdom respectively, and especially of Ireland, have been chosen and assembled together, had power, or did agree upon this League and Covenant; without which, or some such equivalent proceedings, we cannot possibly know that it was the joynt consent, resolution, and desires of the three Kingdoms to enter into such a League, &c.

Answer.

Whoever Sir, were the Author of these *Scruples*, he sure was of a very tender conscience, that must be satisfied in the very Title and Denomination of the Covenant, and cannot do his own duty, or a just act, enjoined him by the Superiors of the Kingdom, of which he is a member and Subject, until he be assured, that all to whom it may extend, do desire and consent thereunto.

2. *There might be such a Declaration, though he met not with it.* Must private persons suspend required duties, until they meet with Declarations of the regular agitation of State affairs? Must all the *arcana imperij* which relate to other Kingdoms, be opened before the Subject give his faith to keep the conditions concluded by their Governors?

3. Did he meet with any Declaration which told him *Ireland* was in a general Rebellion against the Crown of *England*,

to which it had been subjugated, and was wholly dependent on the *English* Interest for its rescue and reduction? And must *England* stay its *Covenant*, till *Ireland's* Rebels send Commissioners and consent? Or, may they not without their consent, covenant for the good of their vassal Kingdom which they must again recover by force?

4. But the title of the *Covenant* gives no ground for this Doubt; for though it be entituled, *A Covenant for the peace and safety of the three Kingdoms of England, Scotland, and Ireland*, yet is it not entituled *A Solemn League and Covenant of the three Kingdoms*? And I hope, they may be the *Objects*, who are not *Authors* or *Abettors* of an Oath: And if they be offended for our intention and endeavors of good to them, let them bear it; Charity will not always stay for the consent or desire of its object.

His next Scruple is like unto this, occasioned by those words, *Of one Religion*, which he doubts the *Irish* Papists open Rebels, against whom it was made, and *Popish* party in *England*, and *Independents* may not be of one Religion, yet by the 7th instruction it is to be proffered to all Inhabitants.

But Sir, it doth not appear that it is to be proffered to the *Irish* Papists.

2. Because proffered, is it therefore taken? The words are professed by them that take the *Covenant*; may it not be a test, and note of discrimination for discovery of the *Popish* party, which lay lurking among us, and none as *Papists*, or indeed as *Independents* could take the *Covenant*?

3. May not the majority denominate the whole? The Protestant Religion is the only one Religion owned and professed in these Nations; nor doth he deny the *Independents* to be professors of it.

Sir, must not Dr. *Gauden* commend his discretion in commending to the world such perplexing Scruples as have not a Scruple of Reason in them? and shall not I appear as wise to spend time to consider them (if of weight) after the *Covenant* hath been taken? but he affirms them as agreeable to the *Oxford* reasons; which is a just *Chinus ad Choum*, Harp and Harrow; yet hereby he puts us on the consideration of them which have passed thus long unanswered; partly for the dread of their name, no

private person being a fit Antagonist, or proper Casuist to resolve the Doubts of an University; and partly for *that they were presented Apologetically*, as private grounds of dissatisfaction, and for excuse from the Act required, not as *interdictions or condemnation* of other mens Acts themselves profess; much less as *Arguments for absolution from the bond of the Covenant* now it hath been generally taken by Prince and People; to which end they are now *Reprinted*, and by every foolish Pamphlet are anew urged; and therefore necessitate the consideration of their weight; which (I confess) I in reverence to their Name, was willing to decline; but by the worth of truth, and weight of the Oath of God upon our Land, am (though a private, obscure, and unfit person) constrained thereunto.

Subscriptio 1a.

Their exceptions to the Preface of the Covenant, make no positive charge, yet suggesteth sundry falshoods therein asserted: which they witness they could not acknowledge, As,

1 Exception
by Oxford
Reason.

First, *They were not able to say, that the rage, power, and presumption of the enemies of God (in the sense there intended) is at this time increased.*

Answer.

To which, Sir, I should have then Answered;

1. *Their ability to say it is of little moment; nor could we well judge it: For whether they were under any natural, wilful, violent, or judicial incapacity, is not our part to determine: Others were able to say it; and if these Reverend Fathers and Students did know it, though they were not able to say it, it was for us sufficient: And therefore may I be bold further to enquire*

2. *Whether they were able to read the whole sentence expressing the sense (Of the enemies of God, whose rage, power, and presumption, was at this time increased) here intended: and calling to mind the treacherous and bloody plots, conspiracies, attempts, and practices of the enemies of God, against the true Religion, and Professors thereof in all places, especially in these three Kingdoms ever since the Reformation of Religion; and how much their rage, power, and presumption are of late, and at this time increased: whereof the deplorable estate of the Church and Kingdom of Ireland, the distressed estate of the Church and Kingdom of England, and the dan-*

dangerous estate of the Church and Kingdom of Scotland, are present and publick testimonies. Are not these full expressions of the sence in which the enemies of God, whose rage, power, and presumption, were increased, are to be understood? and is it rational or religious, to enquire after, and suspend a duty on jealousy of a sence intended, when we have the sence plainly expressed? Is not this repugnant to the end of Speech (the Interpreter of the minde?)

3. Were the Masters, Scholars, and other members and Officers of the University of Oxford, such strangers in the Protestant Israel, as not to know the Papists, and Popishly affected, were enemies of God, against true Religion, and the professors thereof in all places? Or so unacquainted at home, as not to know their plots, conspiracies, attempts, and practices, were especially against these three Kingdoms (the most publick and potent Professors of true Religion) ever since the Reformation? Had they no notion of the Rebellions against King Edward the 6th? Of the Treasons, Plots, Conspiracies, Roaring Bulls, and Raging Spanish Armado against Queen Elizabeth? Of the Gun-powder-treason, and other plots against King James? Of the Colledge of Propagators of the Catholick Cause erected in Rome, under the Government of Cardinal Barbarin, and designed against these Kingdoms? Or of the Grand Plot agitated by Con, or Cuneus the Popes Nuncio in England, discovered by Andreas ab Habernesfield, first to Sir William Boswel His Majesties Resident in Flanders, and by him unto Laude late Archbishop of Canterbury, and since fully cleared and laid open by Mr. William Prynn in his Romes Masterpiece published in 1643. four years before their reasons, and might have been profitable to their eye-sight?

4. Did not this learned University judge it to be an increase of their Rage, Power, and Presumption, to distribute their Jesuits into such several orders, as should be capable in any place or profession to propagate their plots? To press upon the late King and Archbishop for a publick profession of union with Rome? To boast openly of Englands returning to Popery? To tender a Cardinals Hat to the late Archbishop? To poyson our Fountains the Universities, and our very people with Arminian and Popish doctrines publickly preached and printed, and Popish

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pictures publicly sold, and bound up with our Testaments and Bibles? To provoke the High Commission cruelties, and *Parliaments* discontents? To plot a plain Popish Service-Book (with very little variation of it from the Masse-Book) and procure it to be by force and violence imposed on the Church and Kingdom of Scotland, to the raising mutinies, and stirring up the *Belium Episcopate*, with pretence to yoke them, and intention to destroy the King and Protestant cause? To rebell openly in Ireland, and with rage and cruelty to Murder and Massacre the Protestants? To divide between King and Parliament in England, and possess themselves of His Majesties Garisons and Armies, as under their command? To abet, advise, and effect the most barbarous Murder of His late Majesty, and our since confusions? All which, and many the like, to have been the achievements and accomplishments of these enemies of God to true Religion, He that is in any measure observant of our affairs, can run and read: And are not these expressions of Rage, Power, and Presumption? let right reason judge.

Oxford Reasons
second exception.

2. *They cannot truly affirm, that they had used or given consent to any supplication or remonstrance to the purposes therein expressed.*

To this Sir, consider,

That although they cannot affirm it, yet others can do it in truth, and with joy.

2. What are the purposes therein expressed? (not as before intended) shall we judge it from the Preface? *It is the glory of God, and the advancement of the Kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the King's Majesty, and His Posterity, the publique Liberty, Peace, and Safety of the Kingdoms, wherein every ones private condition is included:* For the End is the Argument which is urged to enforce the constancy to the Covenant; and in Article the sixth, it is expressed to be *the glory of God, good of the Kingdoms, and the honour of the King;* and these are the only purposes expressed in these particular acts propounded for the production of them; and shall we be so uncharitable, as to think the Gentlemen of Oxford to have been so void of piety towards God, love to their Country, or Loyalty toward their King, as not to have used or given consent to supplication or Remonstrance to these purposes therein expressed.

pressed. Must we think them so speechless, as not to pray to God, nor speak to men for the effecting of these purposes expressed? No! I will rather presume them modest, and not willing to publish their piety and zeal to good purposes: or passionately prejudiced against some one expedient propounded to the effecting of these purposes expressed, and thereby acted to confound the purpose and pursuing means: But

3. Had not the University of Oxford Representatives in Parliament? If they did not sit, were they violently excluded? Or, did they give their No to the Supplications or Remonstrances to the purposes expressed in the Covenant? And if they did, were not these Supplications and Remonstrances carried by the Majority of Votes? And is not the Negative so swallowed therein, that all persons and bodies corporate through the Nation, did thereunto consent? When we finde Oxford excepted, we will say they could not truly affirme, they gave consent.

But 3^{dly} they did not conceive the entering into such a League and Covenant, to be a lawful, proper, and probable means to preserve our selves and our Religion from ruine and destruction. Oxford Reasons
third exception.

To this Sir, we must enquire into the conceits of these Gentlemen, and desire to know whether it relate unto the quality of the Covenant, or the act of covenanting? The particle *Such*, seems to carry it to the quality of the Covenant, in respect of the matter covenanted; which afterward is particularly and in its proper place excepted against: But the words of the Covenant suggested by this exception to be false, do relate unto the act of covenanting, as we have now at last for the preservation of our Religion, determined to enter into a (not such a) mutual and Solemn League and Covenant: And the place of this exception is in the beginning of their exceptions unto the Preface, which may be said to be no part of the Covenant, and therefore admits not an exception to the quality of such a Covenant: Moreover the next exception puts it out of doubt, that these words relate to the act of covenanting, in which they profess they finde not in our Histories any footsteps of a sworne Covenant on any occasion whatsoever. So that it seems to be the Act of covenanting by Oath, which they cannot conceive to be a lawful, proper,

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per, and probable means to preserve Religion from ruine: Surely then Sir, the weather was very misty about Oxford, and made their minds very muddy, that they could not conceive *entring into Covenants, and Solemn Leagues*, dictated by the light of nature, and directed by the Law of God, pursued and practised by all Nations, (and by *Israel* in the cases of their Religion,) as the utmost of humane policy; and highest of security to their priviledges endangered, as a method detecting concealed enmity, debarring fraud, expressing affection, engaging conscience, and animating resolution, to be a *lawful, proper, and probable means of security*. If it be good and fise as to our *Civil*, I hope it is no less probable in our *Religious concernments*. If Sir, I had been to deale with one single Student, I must have told him, That he started this exception more like a Sophistical Disputant, than a conscientious Dubitant.

4th Exception
in the Oxford
Reasons.

Fourthly, They could not believe the *entring into this Covenant to be according to the commendable practise of these Kingdoms, or the example of Gods people in other Nations*: for that they found not the least footstep in our Histories of a *sworne Covenant* ever *emred into* by the people of this Kingdom upon any occasion whatsoever; nor could they readily remember any commendable example of the like done in any other Nation, but are rather told by the Defenders of the Covenant, that the world never saw the like before.

Answer.

Whither Sir, will not prejudice carry men? I cannot but wonder to finde the Masters, Students, &c. of Oxford, so much unacquainted with Histories, as neither to finde in our own, or other Histories, a commendable example of *Entring into Covenant*: I may not mind them of the Covenant made by the Nobles and people of Scotland among themselves, and with Queen Elizabeth of England, under and against the Papal might, executed by the then Queen Regent; nor of the Netherlands confederacy and Covenant: These will not seem commendable in their sight now, though so judged when England became their protection, and encouraged, nay, defended them in them.

Let me therefore enquire whether they knew *Israel* to have been Gods people of another Nation, and that they entered into Covenant in the time of the Judges, in the dayes of *Jashah, Jashah, Hezekiah, and Nehemiah*, in times of danger, and defecti-

on in their Civil and Religious concerns; And was their practice commenable?

2. Did our Gentlemen of Oxford never finde any footsteps in our Histories concerning the Barons of Stamford, Anno 1225, assembled not only without, but against the Kings consent, and covenanted each with other to demand the restitution of their Liberties; whereupon a Parliament was holden at Northampton to give them satisfaction? And again, did they never finde in our Histories, how in Anno 1258. they Assembled at Oxford, agreed on Articles, viz. *The confirmation of the Charter de Foresta.* 2. *The establishing of Lord Chief Justice*, who might Judge them by Law. 3. *The driving Aliens and Strangers out of England*, and the like; and that they confederated by Oath, and gave their hands and mutual faith one to the other, that they would not desist to prosecute their purpose for loss of money or Lands, nor love, nor hate, no nor yet for life of them, or theirs, till they had cleared England of strangers, and procured laudable Laws: And under this Covenant they brought the Kings Brother, Richard King of Romans, and Earle of Cornwall, and caused him to sweare upon the Holy Gospels this formal Covenant:

Math. Paris
Hist. Ang. p.
940, 941, 952,
953.

Hear all men, that I Richard Earle of Cornwall, swear upon the Holy Gospels, to be faithful and forward with you, to Reforme the Kingdom of England, hitherto by the counsel of wicked men so much deformed; and I will be an effectual coadjutor, to expell the Rebels and troublers out of the same: Both these our Histories say, were in the time, and without the consent of King Henry the 3^d. Not to trouble our Reader with the like in the time of King John, King Richard the 2^d, and other Princes; I must desire the Gentlemen of Oxford to tell us, whether these were not people of England? and these be not visible footmarks of some Covenant of the people of England on some occasion? And if they shall question whether they be commendable examples, let them please to observe the commendable Epethire our Historian gives upon the last of these Covenants, calling them *Angliae Republicae Zelatores*: But, the defenders of the Covenant told them, that the world never saw the like before: I but, they did not tell them, that there are no footsteps of any Covenant made on any occasion whatsoever: And if they had, were

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were the Masters and Students in *Oxford* resolved into such an implicit Faith, as to believe an Enemy? But I wonder these Masters of Reason had so little Reason, as to conclude a general, from the concession of a special: Their Margent explaineth the concession of the defenders of the Covenant in these termes, *Such an Oath for matter, persons, and other circumstances, the like hath not been in any Age or Oath we read of in Sacred or humane Stories.* Know they not that there is a vast difference between the general form of an Oath or Covenant, and those special Qualifications which may circumstance it? and that a dissimilitude in the last, will not conclude that there never was a Sworn Covenant on any occasion? but *fit verbum sat sapienti.*

Thus Sir, notwithstanding these learned Suggellions of the falsehood of the Preface, and in it of the assertory part of the Covenant, it yet continueth lawful, because true; and is our encouragement and assurance, that the promissory part will be answerable: For as in rational conclusions, so I hope in Religious resolutions, we shall find *à veris verum sequitur.*

The promissory part of the Covenant, is in these six Articles.

I.

Subsectio 2da.
Containing
exceptions to
the first Article of the
Covenant.

That we shall sincerely, really, and constantly, through the Grace of God, endeavor in our several places and callings, the preservation of the Reformed Religion in the Church of Scotland, in Doctrine, Worship, Discipline and Government, against our common Enemies; The Reformation of Religion in the Kingdoms of England and Ireland in Doctrine, Worship, Discipline and Government, according to the Word of God, and the example of the best reformed Churches: And shall endeavor to bring the Churches of God in the three Kingdoms, to the nearest conjunction and uniformity in Religion, Confession of Faith, Form of Church-Government, Directory for Worship and Catechizing; That we and our posterity after us, may as Brethren live in Faith and Love, and the Lord may delight to dwell in the midst of us.

II.

That we shall in like manner, without respect of persons, endeavor

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endeavor the extirpation of Popery, Prelacy, (that is, Church-Government by Archbishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other Ecclesiastical Officers depending on that Hierarchy) Superstition, Heresie, Schisme, Profaneness, and whatsoever shall be found to be contrary to sound Doctrine, and the power of Godliness; lest we partake in other mens sins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his Name on in the three Kingdoms.

III.

We shall with the same sincerity, reallity and constancy, in our several Vocations, endeavor with our estates and lives, mutually to preserve the Rights and Priviledges of the Parliaments, and the Liberties of the Kingdoms, and to preserve and defend the Kings Majesties person and authority (in the preservation and defence of the true Religion, and Liberties of the Kingdoms,) that the world may bear witness with our Consciences of our Loyalty, and that we have no thoughts or intentions to diminish His Majesties just power and greatness.

IV.

We shall also with all faithfulness endeavor the discovery of all such as have been, or shall be Incendiaries, Malignants, or evil Instruments, by hindring the Reformation of Religion, dividing the King from His people, or one of the Kingdoms from another, or making any faction or parties amongst the people, contrary to this League and Covenant, that they may be brought to publick trial, and receive condign punishment, as the degree of their offences shall require or deserve, or the supream judicatories of both Kingdoms respectively, or others having power from them for that effect, shall judge convenient.

V.

And whereas the happiness of a blessed Peace between these Kingdoms, denied in former times to our progenitors, is by the good providence of God granted unto us, and hath been lately concluded and settled by both Parliaments: We shall each one of us, according to our place and interest, endeavor that they may remain conjoyned in a firm Peace and Union to all posterity: And that Justice may be done upon the wilful opposers thereof, in manner

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ner expressed in the precedent Articles.

VI.

We shall also according to our places and callings in this common cause of Religion, Liberty and Peace of the Kingdoms, assist and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof, and shall not suffer our selves directly or indirectly by whatsoever combination, perswasion or terror, to be divided and withdrawn from this blessed Union and Conjunction, whether to make defection to the contrary part, or to give our selves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the Kingdoms, and the honor of the King; but shall all the dayes of our lives zealously and constantly continue therein, against all lets and impediments whatsoever; and what we are not able our selves to suppress or overcome, we shall reveal, and make known, that it may be timely prevented or removed; All which we shall do as in the sight of God.

When I consider the matter of these several promises to have been pronounced by a Parliament, on advice had with an Assembly of Grave, Learned, and Judicious Divines, who were to discover sin, and make men to discern between good and evil; I cannot but retain a strong conjecture, that it is all good and lawful: And when I consider His Late Majesties dissatisfaction expressed in His Contemplations, to be more in respect of the manner than the matter, my conjecture is much confirmed: And when I observe His Most Sacred Majesty at His late Coronation, to have by Solemn Oath testified His allowance and approbation of the Solemn League and Covenant; and by His Royal Declaration from Dunsfirling, to have professed, That on mature deliberation, and being fully satisfied of the lawfulness and equity of the Solemn League and Covenant, and every the Articles thereof, Himself had sworne it; and conjureth all His Subjects to lay aside their opposition to it. Loyalty leads my conjecture unto a Conclusion: For such serious scrutiny by so sage and conscientious persons, and that under the afflicting hand of that God (who will not be mocked) could not but have descried the sinfulness of the matter if to be found: But when I weigh the par-

particulars promised, and find them to be the *Preservation of Religion, and Reformation wherein it is corrupted, and removal of what is thereunto obstructive*, as to the religious part of it, and the *preservation of the Kings Prerogative, and peoples liberty, and Nations unity, and removal of the enemies thereof*, as to the civil part of it; my conclusion is established; and I find it so farre from *unlawful*, that it binds us not to any thing, which in the nature of it, is not on us a *positive duty*, though not bound by this most Sacred Bond; and so farre is this *Covenant* from a repugnancy to our *baptismal Covenant*, as our Dr. hath suggested in his **Analyfis*; that as I have in my **Analepsis*, *Noted, It is no hard matter to resolve it into the three heads of our baptismal promise taught by our Church: For, if I must believe the Articles of the Creed, I must preserve sound Doctrine, and reform to my power what is corrupt: If I must keep Gods Commandments, I must pursue pure Worship, and Religion towards God, and Loyalty, Love, and Unity towards men: And if I must renounce the Devil and all his works, I must extirpare Popery, and Papal Prelacy, Superstition, Heresie, Schisme, with all incendiaries, and evil instruments, hinderers of Reformation. And now I shall pray Dr. Gauden will shew us wherein this Covenant is so vastly different from the Covenant made in baptism: Yet I shall consider once more the matter of the Covenant by those Rules which resolve the matter of an Oath unlawful; and if it be therein chargeable, I shall consent to the discharge of this Holy Bond.*

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*Page 32

An Oath is (in reference to the matter of it) determined *unlawful*, when it is *unnecessary*, and about trifles; and that is a *prophaning* of an Oath; yet, will abide a question, whether it do not binde?

But I presume, none will be so childish, as to say or think the *Purity of Religion, Honor and Authority of the King, Priviledges of Parliament, Liberty of the Subject, and Unity of the Kingdoms*, are trifles; than which, no matters can be more weighty and needful to us, as men or Christians: Nor is it of any force to say, These were secured by *Laws and Professions of a lawful and Religious King*; whilst these did not expel the spirit of jealousy, the matter was of that weight, as to render an oath and covenant necessary.

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Scruples and
Doubts about
taking the
Covenant. p. 7.

Secondly, An Oath is *unlawful* when the matter of it is *impossible*; for *ad impossibile Nemo teneatur*, whether the impossibility be in the nature of the thing, or action conversant about it; but our Solemn League and Covenant is free from any appearance of *impossibility* in the nature of the things covenanted: I hope the Reformation of Religion, and preservation of humane order, peace, and unity, will be owned as possibilities beyond the *Learning of an Ass*: Very little ground is there for that Scruple which is urged by our Drs. Anonymous friend, That *Ex-
tirpation is the immediate work of God in the heart*; as if it were no way a humane Act within menspower, in reference to the exercise and profession of a principle or practice in the Kingdom.

Nor is there any impossibility chargeable on the *Act*, which is all along limited unto an endeavor according to our several places and callings: which might methinks have satisfied the same Questionists; that though *Banishment or Death be extirpating Acts*, yet they might be out of his place and calling, and other Acts did to him peculiarly belong.

Let it here be noted, that though the *Law* were (as some suppose) against something sworn in this Covenant, yet this puts not a *moral impossibility* upon the same; for that the thing sworn may be effected by a meek and humble endeavor in our places and callings, to have that Law voided, and repealed.

And as to what impossibility did seem to lie upon the *extirpation* of some things in this Covenant sworn to be extirpated by reason of the *Coronation Oath of His late (conscientious) Majesty*, it was greater in appearance than in reality: For, the Oath of a Prince may be vacated by the impossibility put on it by the contrary Oath of the people, though tumultuously sworn, as it was in the rescue of *Jonathan* from King *Sauls* Oath: I justify not, nay, I pray God prevent the insurrection of the *natural* against the *political power*; but I cannot but take notice that God sometimes suffers it, and produceth his own will by it: as in this case, and in the casting off *Samuel*, and changing the government; and amongst us (*Horresco referens*,) in suffering the madness of the people to prevail against His late Majesty, not only to the contradiction of His Oath, but cutting off His Royal Person, and
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so clearing the impossibility that did appeare between this Covenant, and His Coronation Oath: and in bringing His Majesty that now is, under the same Sacred Bonds, to endeavor in His Royal place and calling to effect the same things: And in this case it is to be remembred, that the impossibility being removed, the Oath becomes obliging, and the act sworne, a duty.

Let such as pretend an impossibility on any part of the Covenant, because of the prevalency of men, affection of the people, countenance of Authority, and the like, learn to distinguish between the effect and endeavor; there may be an impossibility of effect, and yet possibility of endeavor; and Dr. Saunderson concludes, that the thing once sworne, the covenantor must endeavor to make the effect possible: Indeed we have in the Covenant sworne with very much Caution, not to effect, but in our places and callings to endeavor; but this must not be by a wish for purity, and then welcome corruption; a consent to Reformation, and then compliance in Superstition; a faint refusal, and then free reception of the estate to be extirpated: No, it must be a stout and strenuous endeavor with all force and fervor, as Dr. Saunderson in this case well noteth; *Obligat hoc genus Juramenti non ad effectum, quem supponimus esse impossibilem; sed ad conatum quamdiu superat spes ulla; imo quo plures, & majores obiciuntur difficultates, eo obnixius conandum & fortioribus animis obnitendum.* I wish, Sir, that our Soft Covenanters, Speedy Compliants, and Temporizing Turn-Coats, would seriously study this lesson.

Thirdly, An Oath is in respect of the matter unlawful, when it is impious, and expressly against Gods Word and Command; being so in it self, and the nature of the thing; and then the Rule must be admitted; *Pacta quæ turpem causam continent non sunt observanda*, An Oath must not be the Bond of iniquity.

Here Sir, be pleased to observe, that though I could not consent to the Drs. opposition of Truth, Justice, Reason, Religion, and Duty to God or man, as Iron, Adamantine bonds unto the weak Withs and Cords of an Oath, which is directly contrary to the nature thereof; yet I acknowledge in them such a power as no Oath can bind against: If he or any will assume and make good the assumption, That the matter of the Covenant is of it self and own nature contrary to Truth, Justice, Reason, Religion, or duty to God

Saunderson de
Juram. prælect.
3. Sect. 4. p. 64.

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God and man; I will admit the sequel, and conclude it doth not oblige: But I have yet found none that have herein charged it; some indeed oppose to some part of the Covenant, an *Apostolical tradition*, but no divine institution or direction to any part thereof.

The unlawfulness which I find charg'd on the matter of the Covenant, is usually accidental in some circumstances conversant about the *Aet*, more than the *matter sworn*, and hath been produced as a just barre to the taking of the Covenant, but is in vain now produced to break its bond laid upon us, as I have before noted. I easily grant that the Oath which is not sworn *in truth, in justice, and in judgement*, is very prophanelly sworn; yet affirm, it may be *strongly binding*; and so hereupon I might discharge this Section as running into the former; but because simple men seem startled by that *unlawfulness of matter* in the Covenant, which is suggested in the *Oxford Reasons*, for their *non-confederacy* with the rest of the Nation, and do commonly produce them as the present only plea, to discharge the Oath of God; I shall make bold to weigh the same, and see what more strength is in their *Scruples* as to the *matter promised*, than was in reference to the *matter asserted*; and whether an intelligent Casuist would not have easily resolved their doubts, and enlarged their consciences.

Subsectio 2da.

The Masters, Scholars, and other Officers and Members of the University of Oxford, in their Apology for not taking the Covenant, urge their Reasons against the same as *unlawful* not, in the matter it self *simply considered*, but by *accident*, in respect of some circumstances attending themselves, and incapacitating them unto the *Aet*, and they offer their exceptions unto the Articles severally and distinctly.

Oxford Reasons
Sect. 3. Pa. 4.

Unto the first Article they except against the *Preservation of the Reformed Religion* of the Church of Scotland in Doctrine, and Worship, Discipline, and Government; and then against the *Reformation of England* in those particulars.

1 Except.

Unto the first they tell us, *They are not satisfied how they can in judgement swear to endeavor to preserve the Religion of another Kingdom.*

To which I answer in General, it is but reason they suspend the *A&t* until they can *swear in judgement*; though such as have rashly in ignorance prophaned the Oath by swearing it, must in fence of its Sacred Obligation inform their judgements, that they may performe it, and not cast it off: but what hindreth their judgement in this required *A&t*?

They urge four obstrusive reasons: As

First, *As it did not concern them to have very much, so they profess they had very little understanding thereof.* 1 Reason of this exception,

In which reason it is to be noted,

1. *They had some understanding of the Doctrine, Worship, Discipline, and Government of the Church of Scotland*; and that little might so farre enlighten their judgement, as lawfully to swear the preservation thereof: I presume many Citizens have little, and but general notion of the Liberties they swear to preserve, yet are judged to swear in judgement.

2. I wonder an *University*, and *Protestant University*, conversing in all Books, (and I must imagine) meeting with the two Books of the Discipline of the Church of Scotland, their Confession of Faith, and Form of Worship, entertaining Schoolmen and Bishops, thence fled, by reason of the same; and openly oppugning and disputing against the same, should profess they had thereof *little understanding*; but it may be they minded not to study these things.

3. *Some understanding in the Religion of another Kingdom was necessary to them as Christians and Protestants*, by vertue of the Communion of the Church; and some, as an *University*, and *Protestant School of Learning*, where the true Religion of the Reformed Churches was to be defended, doubts dissolved, and errors oppugned and contradicted; and some was necessary to them as *Subjects*, required to swear the preservation thereof; for the injunction could not but provoke an enquiry after the matter to be preserved: I wonder therefore how these men could profess it did not concern them to have much, who (if I mistake not) ought to know as much as all the Nation besides: but from what they know, they adde the next Reason, (*aiz.*)

In three of the four specified particulars; (*viz.*) *Worship*, 2d Reason of Discipline, and Government, it is much worse; and in the this exception, fourth,

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fourth, that of Doctrine, not at all better than our own to be reformed.

I wonder Sir, what account of the *Doctrine, Worship, Discipline, and Government* of the Church of Scotland was by the occurrents of those unhappy times, brought unto the knowledge of the University of Oxford? I hope they were more wise and just than to take it from Mr. *John Maxwell*, pretended Bishop of *Ross*, (a man excommunicated by the Church, and censured by the State of that Kingdom, a professed Enemy, and enraged Delinquent, cursing his very Judges) whom I find about that time at Oxford, writing his *Issachars Burden*, (a most railing, reproachful discovery of the Discipline of the Church of Scotland,) and the rather, for that the heat of expectation and ostentation of many (in reference to that book) was cooled by a providential fire which seiz'd on the Printing-House, and burned the Copies ready to be published the next day, as Mr. *Baylie* in his *Vindication of the Government of that Church* (which these Gentlemen might have met with) doth testify.

Yet Sir, had these men of reading regarded what more sober and impartial men have said and written, they would have had another Character of this Church: I may not mind them of the *Apology to the Doctors of Oxford*, in the time of King *James*, preferring the *Doctrine, Worship, Discipline, and Government* of Scotland, before that of England; or of their *Philadelphian purity*, who did not only keep the *Doctrine of Salvation* pure and free from corruption, but doth also deliver it in writing, and exercise in practice that sincere manner of government, whereby men are made partakers of salvation, mentioned by Mr. *Brightman* our Countreyman; they will possibly tell us, these were *Separatists* (to whom Scotland is no friend) or *Puritans*: Yet methinks

Brightman on
Apocalyps. 3.

* *Magnum hoc Dei munus quod una & religionem puram & salutariam doctrinam, viz. retinenda vinculum in Scotiam intulisti. Sic obsecro & obtestor hacduo simul retinete, ut uno amisso alterum diu permanere non posse semper memineritis.*
Beza Epist. 79.

* *Beza* may call for a little audience and respect from this Learned Assembly: and he told us long since, *This is the great gift of God, that you have brought into Scotland together pure Religion, and good order, which is the bond to hold fast the Doctrine; and I heartily pray and beseech you for Gods sake hold fast these two together, and alwayes remember, that if one be lost, the other cannot long remain: And no less venerable, I presume, is the Corpus Con-*
fessi-

cessionum, the Harmony of Confessions of all the reformed Churches; and yet therein they have an account of the Church of Scotland, which might render it more acceptable, and worthy to be preserved. For thus it is reported by the Collector, who much rejoiced in the providence that brought their Confession into his hand: * *It is the rare privilege of the Church of Scotland before many, in which respect her name is famous even among strangers, that about the space of fifty and four years without Schisme, yea or Heresie, she hath holden fast unity, with purity of Doctrine; the greatest help of this unity by the mercy of God was, that with the Doctrine, the Discipline of Christ and his Apostles, as it is prescribed in the Word of God, was by little and little together received, and according to that Discipline so near as might be, the whole government of the Church was disposed; the Lord God of his infinite goodness grant unto the Kings Majesty, and to all the Rulers of the Church, that according to the Word of God they may perpetually keep that unity, and the purity of Doctrine.*

* *Est illud ecclesie Scotice privilegium rarum præ multis, in quo etiam Nomen apud externos fuit celebre, quod circiter annos plus minus 54. sine Schismate necdum Heresi, unitatem cum puritate doctrina servaverit & retinuerit; hujus unitatis adminiculum ex Dei misericordia maximum fuit quod paulatim cum doctrina, Christi & Apostolorum Disciplina præcipue ex verbo Dei præscripta est, una fuit recepta, & quam proxime fieri potuit secundum eam totum ecclesie regimen fuit ad-*

ministratum. Det Dominus Deum proimmensa sua bonitate Regia Majestati, omnibusque Ecclesiarum gubernatoribus, ut ex Dei verbo illam unitatem & Doctrinæ puritatem perpetuo conservent. Corpus Confess. p. 6.

Unto these might be added the testimony of *Arundel*, *Hutton*, and *Matthews*, three English Archbishops, approving the Order of the Church of Scotland; and the joy of King *James* professed in the Assembly 1590. *That He was borne to be a King of the sincerest Church in the world: All which might have brought to their knowledge a better account: but they looked not so farre back, but take it up by occurrents of those unhappy times; in which I fear Scotland was not more full of perplexities, than Oxford of passion and prejudice.*

3. But in what particulars are the Doctrine, Worship, Discipline, and Government, much worse than that of *England*? They should specify these bad things; for *generalia non pungunt*; I confess in a Notion of Philosophy, or question in Divinity, the *Say so* of a University is of some Authority; but of none in the case of an accusation which must be particular, and plainly

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proved,

proved, if *England's* Doctrine be *doubtful and doubtful* in respect of its *clearness and certainty*, or sophisticated by the *obscured fancies* and terms of private men; as Mr. *Prym* hath plainly charged in his Epistle to the late King, prefixed to his *Quench-coal*; and as the Ministers of sundry Counties in their *Reasons for Reformation* have suggested; and Mr. *Hamilton* in his modest answer to *Dr. Pearson*, hath clearly demonstrated, it will be found as much better than the Doctrine of the Church of *Scotland*, as its Worship, Discipline, and Government, is worse than that of *England*: And I hope, if the one be as good, though nothing better than the other, there can be no great Scruple, to swear to endeavor the preservation of it: But to proceed,

3d Reason of this exception referred to the fifth Section of this Treatise.

4th Reason of this exception.

Their third Reason is a supposed contradiction in this first Article of the Covenant. This shall be considered under another Head.

The fourth Reason why they could not swear the preservation of the Religion in *Scotland*, is this, *wherein we already find something to our thinking, tending towards Superstition and Schism, which call for Reformation.*

Here Sir, they seem to specify what in the 2^d reason they had suggested in general terms: But let it be observed,

1. That they find not in the Church of *Scotland* any formal *Superstition or Schisme*, but at the most something tending towards them. I imagine many *Oxford* Masters will not willingly admit a Reformation, or be denied a preservation of many things apparently tending towards Popery, but not Popery it self.

2. The things they find, do but to their thinking, tend towards *Superstition or Schism*; but they have no certainty of it; Must conjecture stand against the Covenant and conclusions of others? Methinks *Superstition and Schism* should be so well known to the Scholars of *Oxford*, that they might be able to conclude what things tend thereunto.

3. What are the things they find in the Church of *Scotland* which tend (in their thinking) to *Superstition and Schism*? They point us unto the Margine, and there we find (viz.) in *accounting Bishops Antichristian*, and indifferent Ceremonies unlawful; this they refer to *Superstition*: And (viz.) in *making their Discipline and Government a mark of the true Church*, and

and the setting up thereof the erecting of the Throne of Jesus Christ; and this they refer to Schism. Sure Sir, they were in a great strait; that made a shift to specify these sad corruptions; but yet they do not tell us, where they find these laid down as the Doctrines of the Church of Scotland, whether in their Confession, or form of Discipline: Whilst in their Confession of Faith they give unto general Assemblies authority about Ceremonies; I cannot think they deem indifferent Ceremonies unlawful; nor do I find that they (as England hath done) do anywhere make their Discipline a part of their faith; so that so they might damn Bishops as Antichristian: I find indeed, that they make Discipline rightly administered as is prescribed in the Word of God, the note of a true Church; but they do not appropriate it to their Discipline and Government, as these learned men would have us read it. I know indeed, that the Scotch Divines do account English Bishops Antichristian, and English Popish Ceremonies unlawful; but they deny them to be indifferent; but these are specials, and far from the generals charged on them; nor can these specials be condemn'd in them, unill Catherwoods *Altrave Damascenum*, and Mr. Gillespies *Dispute against the English-Popish Ceremonies*, (which have passed with much approbation through all the Reformed Churches, and I presume, missed not Oxford) be fully answered.

*Corpus Confess.
Conf. Scot. Art.
20 p. 120, 121.*

Artic. 8 p. 118.

4. But wherein lieth the tendency of these principles to Superstition and Schisme, that these learned men think of? As to their nature they are negative and exclusive; and I deem a denial of any of Gods appointments to be prophaneness, not superstition. I am apt to think Superstition to be a positive innovation and erection of some new matter and action into the worship of God on mans meer will and invention, without Gods institution. I remember Mr. Blake denieth the baptizing of bells, or the Horse in Huntingdonshire, to be Superstition, and damnes it as a prophane misapplication of Gods Ordinance: How then the exclusion, neglect, or prophane esteem of Bishops and Ceremonies can tend to Superstition, I confess I see not. Think you Sir, the Learned men of Oxford did deem Bishops and indifferent Ceremonies to be such immediate institutions and essential parts of Divine worship, that they think a prophane contempt of them might tend by exclusion thereof, to make way for some innovation in their

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their room; then I also will think they tend towards Superstition, but must think they are not indifferent.

Gen. 22. 5. 2.
col. 109.

I wish Sir, they have not mistaken the Scotch notion of a true Church, which is opposed as well to a corrupt, as falsely constituted Church; the Magdeburgencer do so oppose it in the very same case, *Vera enim ecclesia*; &c. For, a true Church, as it retains pure Doctrine, so also it keeps simplicity of Ceremonies; but an hypocritical Church for the most part, changeth the Ceremonies instituted by God, and multiplieth its own traditions. And Bishop Hall's *Vere and vera Ecclesia*, is no stranger at Oxford; and if then Scotland (concluding her Government to be according to the Word of God) should say, *De specie*, It is the sign of a true (that is, a pure) Church best Resolved, because the erecting of the Throne of Christ, doth it not tend more to provoke Reformation of Churches truly constituted but not compleated, than to stirre up Schism? For they do not, nor ever did deny communion with Churches herein defective, and under male administration of Discipline and Government.

We see Sir, very little ground to stumble at the preservation of the Doctrine, Worship, Discipline, and Government of the Church of Scotland; let us try the strength of their exceptions against the endeavor of the Reformation of these in the Kingdom of England: And to this they tell us,

Subscriptio ter-
tia.
Oxford excep-
tions to Re-
formation of
England.

They are not satisfied how they can swear to endeavor the Reformation of Religion in Doctrine, Worship, Discipline, and Government; which without making a change therein, cannot be done. For this they urge three grounds of reasons, which seem to be of weight.

The first whereof, is,

1 Reason for
this exception.

Without giving manifest scandal to the Papist and Separatist. By Yielding the cause, which our godly Bishops, and Martyrs, and all our learned Divines (ever since the Reformation) have both by their Writings and Sufferings, maintained; who have justified against them both the Religion established in the Church of England, to be agreeable to the Word of God.

2. Justifying the Papists reproach and scorne We know not where to stay, what is our Religion, and that it is a Parliamentary Religion.

3. *A tacite acknowledgement, that there is something both in Doctrine and Worship (whereunto their conformity hath been required) not agreeable to the Word of God, and so justifying the recusancy of the one, and separation of, the other.*

4. *An implied Confession that the laws and punishments of Papists for not joyning in that form of Worship, which our selves (as well as they) do not approve of were unjust..*

A very fair and specious exception! To which, Sir, I say,

1. That it is well, *Scandal* is at length become an Argument of any force: Had it been regarded when rightly pleaded by the *Nonconformists* (enemies to separation, as well as Popery) there might not have been a *Solemn League and Covenant* to constrain its plea in a case wherein (under correction) it seems to have lost its force: For if, Sir, we have through ignorance practised, or wilfulness persisted in any sinful Superstitious course, concerning which we have been admonished by some, and declined by others, and yet being armed with power did constrain a compliance with us, so that a Recession from the same must be our shame, and their scandal to whom we would not hearken: I hope we must not, for fear thereof, go on in sin, and refuse so much as to endeavor a Reformation: If in this case scandal had been of any force, how, or when had Protestant Religion been effected by such who had burned for *Hereticks*, all that were but suspected of inclining to it? Were not the Papists then as much and more scandalized as now? Is Scandal of any more force in the following degrees of Reformation, than in the first act thereof? Though it is a stop to sin, and stay of violence in imposing things indifferent, must it be of any strength to barre duty in the endeavors of Reformation? I believe Sir, professors of Physick and Chyrurgery, will not consent ill humors to go unpurged, or festred, incurable members uncut off, because some will be scandalized; that their advice was not sooner minded, and others at the past, real, and now-seeming cruelty acted by the present change.

2. It is to me strange, to see *Papists and Separatists* conjoynd as objects of the same scandal; I am sure the reason and ground must be directly contrary; Continuance of corruption to the one; and Removal thereof to the other; the *Separatist* is offen-

offended that there were so many Popish Ceremonies retained, and that so long, when by him too rigidly resisted: The *Papist* that there were so few, and likely to be gone so soon: But I presume, they are supposed in *aliquo tertio convenire*, to agree in some other capacity: The things are now to be Reformed; for a non-observance of which they were both afflicted; and then Sir,

3. The *Scandal* seems to be a meer fancy springing from a fallacy in these words, *The Religion established in the Church of England*; which these serious *Casuits* (with reverence may I note it) do to me seem sophistically to understand in a sense different from the words of the *Covenant*, which are these, *The Reformation of Religion in the Kingdom of England in Doctrine, Worship, Discipline, and Government*.

It must therefore be observed, that *Religion* as it denoteth the matter, substantial parts, and essential form of divine Worship, is different from the *Circumstances, Order, and Ceremonies* annexed therunto, and only as appendants thereof deemed *Religious*, which are conversant about, and separable from Religion, liable to alteration as the prudence of men doth direct; and none but ignorant Idiots will deem the change of them a change of Religion; for these are different in the *Reformed Churches*, whom yet, I hope the *University of Oxford* will own to be of the same *Protestant Religion* with the Church of England, agreeing in the same faith, though not subscribing the same formal Articles, administering the same worship, though not in the same order, and with the same Ceremonies.

Again Sir, we must distinguish between what is established, and what is exercised in the Kingdom of England: Though we do not justifie, nay, believe a necessity of Reformation in many particulars in the *Doctrine, Worship, Discipline, and Government established*; yet we know in all these particulars, many gross and absurd corruptions brought in, and continued by a strong hand, were exercised in the Kingdom of England; and that in reference to all these particulars: 1. For *Doctrine*, as that *auricular confession and penance* was necessary and profitable for *Christian men*, and in *Christ's Church*; That *Christians must have Altars*, and bow to them as towards Gods mercy-seat, and the place of *Christ's* real presence on earth: That *Jesus Christ*

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and his passion are offered up as a Sacrifice in the Sacrament of the Altar: That Crucifixes, Images, and Pictures of Christ, God, and Saints, may be lawfully and profitably used and set up in Churches: That the Pope or Papacy is not Antichrist: That there are Canonical houres of prayer which ought to be observed: That Churches, Altars, Chalters, and Church-yards, ought to be consecrated: That men had free-will of themselves to believe and repent: That men might totally and finally fall from grace: That Sunday is no Sabbath: That Bishops have a Superiority of Order and Jurisdiction above other Ministers, and that by Divine Right: Nor can there be a true Church, where there are not such Bishops: These and many suchlike (it is yet well known) were publicly preached by Mountague, Cozens, Pocklington, Shelford, Dove, Reeves, Adams, and others, and the Preachers defended even in the University from censure for them; nay, these were Printed in several Books of the same Authors, licensed and allowed by the Archbishop and his Chaplains, and many of them asserted in the visitation Articles of some Bishops, and yet were not established in the Church of England. As in Doctrine, so in worship, many corruptions were innovated and exercised: As, Bowing at the Name of Jesus: The turning Communion-Tables into Altars, or Altarwise, and Railing them in, furnishing them with Candlesticks and Tapers: Tying the Gospel, the blessing, and other parts of the publick service to that place enclosed, and bowing to these Altars: The making Crucifixes and Canopies, pictures of God, Christ, the Holy Ghost, Virgin Mary, and other Saints in our Church-windows: Consecration of Churches, Fonts, Bells, and the like: All which, and many such, were first innovated to the Chappel at Lambeth, and ferried over to White-Hall, and so transmitted to all Cathedral, and almost all Parish Churches; and yet were not established by Law, though enforced by the corruption of Discipline in the Visitation Articles of Bishop Wren, Bishop Mountague, Bishop Percy, Bishop Lindsey, and Bishop Skinner, and others in their several Diocesses; and by the silencing, suspension, excommunication, and imprisonment, and High Commission vexation of Mr. Chauncy Vicar, and Mr. Parker an Inhabitant of Ware, Mr. Burro of Cotchester, and many others: Nor was Government any more pure, if we consider
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The Fastning of St. Peters Fillets.

how it was exercised in the *High Commission*, and *Star-Chamber*, with all rigor, cruelty, and injustice; and in *Visitations*, *Citations*, *Probate of Wills*, *Letters of Administration* and *Excommunication* in the name, and under the Seal of the Bishops themselves, never authorized thereunto: All which were evidently needful to be reformed, as having been so publicly exercised, and potently defended, and might well enforce a covenanted endeavor to reform Religion in the Kingdom of *England*.

I well know Sir, that the *change of Religion* makes a great sound in the world, especially if *established*: I cannot be insensible of the noise made by it against our *first Reformation*, and must expect the *Eccho* to follow all after-acts and degrees thereof; for all changes are *scandalous*, and many very dangerous: If therefore these Masters and Scholars of *Oxford* could rationally conceive the *Covenant* to bind them to endeavor a *change of Religion* in the *substance, matter, and essential parts and form thereof*; then I must confess their exception is very important; for we cannot deny that our *Bishops, Martyrs, and Learned Divines*, have by *Suffering and Writing* testified it to have been agreeable to the *Word of God*: And that to resolve that into the power and pleasure of a *Parliament* (who may direct and authorize the profession, but not prescribe the matter or form) were to make it a *Parliamentary Religion*; and the change thereof must needs condemn our *Laws*, and the punishment of *Papists* not joining with us as unjust, and so justify *Papist* and *Separatist*; the one in his recusancy, and the other in his separation.

But Sir, when I consider the *Religion of Scotland* to be preserved as the concomitant and provocation, the *Word of God* to be the Rule; and the *best Reformed Churches* (professing the same substantial Religion, though differing in administration and order) propounded as the pattern; I see not how right reason can render any such sense of it; and the rather, for that *Reformation*, not alteration of Religion, is the *formal act* which presuppoeth the continuation of the subject about which it is conversant.

But Sir, if they (as they needs must) by Religion understand the order and annexed Ceremonies appendant to Religion, whether established, as was the *Cross* in *Baptisme*, holiness of days,

dayes, and order of the Liturgy, and the like, or only exercised and enforced by Prelates power and countenance, as the corruptions before mentioned; then we must say their exception is of no weight, nor the reason any thing worth; for this change can be no such scandal, as is conceived; for we deny them to have been testified by our Bishops, Martyrs, and learned men, by any Sufferings or Writings (untill of late by the persons and such like before mentioned) as agreeable to the Word of God; and must put them to the proof of it; we think we are able to produce Tindal, Larimer, Hooper, Ridley, Farrar, and many other Martyrs, by laying down their Bishopricks, and other contests and sufferings to have testified against them, and Mr. Cartwright, Baines, and many Devonshire, Cornwall, and Lincolnshire Ministers, and others, ever since the Reformation by Writing, Petition, Remonstrance, Apology, and Sufferings to have testified against not only the corruptions exercised (against which our Jewel, Fulk, Whitaker, Archbishop Parker, Dr. Ward, Dr. Brownrigge, Dr. Bancroft, and all sound and learned Divines, not devoted to return to Rome, have written) but even the very Order and Ceremonies established, as being not agreeable to the Word of God: And if these learned Gentlemen had pleased to observe the Visitation and High Commission proceedings, they might have found Prynne, Burton, Bastwick, Layton, Workman, Langley, Hind, Nichols, Ball, and many others (known learned men) who were silenced, suspended, imprisoned, stigmatized, and in much Sufferings testified, these appendants to our Religion, whether established or exercised, to be no way agreeable to the Word of God; and I know not whom they can mention as a Martyr for them, unless it be *Lawde the late Archbishop*, the grand Innovator of our Church.

2. If therefore our Religion be by Papists or Prelates reproached as a *Parliamentary Religion*, we will rejoyce in our reproach, and bless God we had a Parliament that had zeal to improve their power about those things that were properly subject thereunto.

3. Nor can this Reformation justify the recusancy of the Papists, because these things never became a Reason for their recusancy, further than they occasioned their obduracy by assuring their hopes of *Englands* return to them: Nor the Separation

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Witness Cartwrights defence of the Church-heretic.

* Mr. Geree his *Vindicia ecclesie Anglicanae*, shewing necessity of reformation, not Separation. And Mr. Balls two Books against Mr. Gann.

of the Separatists, for that the corruptions established, were never made such essential parts of worship, as to make a sufficient ground for separation. The Masters and Scholars of Oxford cannot have been so little observant, as not to know that the sober, zealous Non-conformists who groaned under the burden of these corruptions, and for this Reformation were grieved by, and greatly contended against the Separation: as that which was without sufficient ground; yet like Jesus Christ their Master, kept Communion with a Church, whose Doctrine and Worship was very much in need of Reformation, and taught men so to do: granting *There was something in the Doctrine and Worship of the Church of England not agreeable to the Word of God*, and yet not enough to lay a ground for separation.

4. Much less doth this endeavor judge the *Laws* against, and punishment of Papists as unjust: which never had these pieces of Religion for their ground or reason.

You see Sir, that the first ground of these learned mens dissatisfaction, as to the covenanted endeavor of Reformation of Religion in England, in Doctrine, Worship, Discipline, and Government, is clearly groundless, supposing a change, and suggesting a scandal not to be supposed: Let us try the strength of their second reason for this exception: And that is,

2. Reason for this exception.

They could not covenant this Reformation without wrong to themselves, their consciences, reputation, and estates, in bearing false witness against themselves, and sundry other ways swearing to endeavor to reform that as corrupt and vicious, which they had by their personal subscription approved as agreeable to the Word of God, and for which they had not been condemned of their own hearts, nor convinced by their brethren that therein they did amiss.

2. Which they are in conscience persuaded, were not against the Word of God as they stand established by law.

3. Which they believe to be in sundry respects much better, more agreeable to the Word of God, and practice of the Catholick Church, than that to be preserved in Scotland.

4. To which all Clerks admitted to any Benefice, are required to assent.

To these reasons Sir, I should have answered,

1. *Credit* is indeed a matter of concernment, and *Reputation* is to be regarded; and our *Estate* by all just, prudent means duely preserved; but they are not equivalent to the *purity* of Gospel administrations, nor must be admitted barres to duty, or stays from the endeavor of a necessary Reformation when called for.

2. We are at a loss to understand their terms; *the establishment by Law* is not expressed in the Covenant; and many corruptions we have noted, were exercised, not established: The endeavor of a Reformation of them (though not them only) was, and is required; and it is very doubtful how or where to find and prove *an establishment by law*, to which they so much cleave; yet I hope the defect in proof thereof, will be no just demurre to the endeavor of a Reformation of what is really *vitious and corrupt*, whether established, or only exercised.

We must also intreat a comment on these words, *the practice of the Catholick Church*. It is well known, that *Rome* doth engross and monopolize this Epithite: nor can *the Worship, Doctrine, and Discipline of the Church of England* admit it to be predicated of any so well as that; for all reformed Churches do in their practice differ (and I presume it will be hard to prove the agreement of the Primitive Churches) in these particulars, which were first derived from Apostate *Rome*, and have ever since continued as the dregs of their Catholick practices, not more to the grief of the Reformed Churches abroad, and *Non-conformists* at home, then joy and exultation of the children of that Church, as a plain evidence of their continued possession, and encouragement to expect and endeavor a full recovery of *England* into her bosom: But as to their Argument;

3. The *Doctrine, Worship, Discipline, and Government* might be *vitious and corrupt*, notwithstanding their apprehension and assent to the contrary, or the subscription of others required by the Law. We well know, that the Reformation of the Church in *England*, was begun on more * Political than pious principles; which did easily consent to a retaining of what (was justly discharged in other Reformed Churches, embracing the administration of the Gospel in its simplicity, for the sake of its

* Henry the 8th
his discontent
at the Pope.

naked self). might consist with those Politick ends which did provoke it; and Policy being the principle predominant in the first, hath struggled against piety unto this last act; and is not yet mastered; and I presume, the Scholars and Masters of Oxford will not plead an immunity from policy, passion, and prejudice, when they are to pass judgement against their credits, reputation, and estates, as in the case of this Covenant, they apprehend they were to do; and that these principles will provoke us to yield our own, and exact from others an assent to things as agreeable to the Word of God, which in themselves are vicious and corrupt, no serious man or Christian can or will deny: It is well if we find this Reason stated under a more cautious, vigilant, and pious frame of spirit.

4. But I must confess, I wonder not so much to hear these Gentlemen to profess *They had by their personal subscription approved the Doctrine, worship, Discipline, and Government of the Church of England as agreeable to the Word of God*; which might be an act of rashness, an effect of ignorance, an event of some distressed condition, or distemper of mind, fear of losing, or hope of gaining preferment, as to hear them say, *That this was enjoyed by Law to them, and all that were admitted to benefices: That the Doctrine of the Church was to be assented unto, I grant is by Law established; but the assent to worship, Discipline, and Government, I observe, not to be enjoyed by any full and formal Law: I find indeed, something relating to Discipline in the ordering of Deacons and Priests, Bishops and Archbishops, and the Churches power about traditions, and Rites, or Ceremonies, inserted into the 39. Articles; but how, or by what Law they are established, I know not: The Statute requiring Ministers assent, doth not specify the Articles particularly; and the general Note whereby to know them laid down in the Statute, is this, Articles of Religion which ONLY concern the Confession of the true Christian Faith and Doctrine of the Sacraments: This particle ONLY, is, in my judgement, exclusive to Discipline and Government; and how these came into the Articles, I know not: only I find the Epistle to His late Majesty, before the*

13. ELIZ. 12.

* A Book supposed to have been written by Mr. William Frym.

* *Quench-Coal*, to charge corruption and forgery to have been acted about these Articles, and earnestly implores justice against the Forgers and Obtruders thereof; and untill the Legality of the Canons

Canons of 1603. and sence thereof be clearly asserted, and fully vindicated from the * exceptions which are urged against them, we must be at a loss for their *establishment*; for if the King had not authority by vertue of the Statute pretended, or the matter of them be repugnant to standing Statutes, as is suggested, the *establishment of Worship, Discipline, and Government by law*, must abide very doubtful; but the University of Oxford might make a Law unto themselves, to which these Gentlemen might referre: But

* Necessity for Reformation.
p. 56, 57, 58, 59

5. Whether *established or exercised*, I think it very strange to see these learned men on serious thoughts to profess *their own hearts did not condemn them*, nor had their brethren convinced their judgements they had done awise, by their personal subscription to approve the Doctrine, Worship, Discipline, and Government of the Church of England to be agreeable to the Word of GOD; but that thereof they were still persuaded.

Sir, what effect had been wrought on their consciences, I cannot tell: I will hope they were not *swayed*, or shut up by a resolution of *non-persuasion* to the contrary; yet had I been amongst them (with submission) I must have expostulated with them, and enquire,

Whether they had not subscribed to the use of the *Common Prayer, and forms in the said Book prescribed in publick prayer, and NONE OTHER*. Did none of these Masters publickly pray in St. Maryes in Oxford, and other Churches, before and after their Sermons? Were not such prayers *publick prayer*? Did they at such times use the *Common Prayer*? If not, did not their consciences mind them of their *subscribed promise* solemnly made in entering on so holy a calling? Are not *NONE OTHER*, words as fully exclusive of their own forms extemporary or premeditate, as can be expressed? Admit we this *Common Prayer* to be lawful, yea necessary, is not this exclusive subscription a plain limitation of the Spirit, rejection of the gift of prayer, and robbing the Church of Ministerial parts unto prayer, as well as preaching to the edification thereof? Did Christ, when he prescribed the most perfect prayer, tye his Disciples to use that and *None other*? Can any rationally-religious man, subscribe this promise, and approve it to be agreeable to the Word of God, and

Enjoyed to be subscribed by every Minister before he be ordained, in Canons of 1603. Ca. 36.

and stand perswaded it is not contrary thereunto?

Secondly, Is it agreeable to the Word of God to affix a sentence of mans conception and framing to divine service, and denominate it a sentence of Scripture? In the Rubrick of the Common Prayer, the Priest is appointed to read one of *these sentences of Scripture which follow*: The very first of which, is, *At what time soever a sinner repenteth him of his sin from the bottom of his heart, I will put all his wickedness out of my remembrance, saith the Lord*; the which is referred in the Margine (as are the following sentences to their places) unto *Ezek. 18. 21, 22* (to say nothing of the effect, though accidental of this supposed Scripture) how many have been deceived, really believing it to be a sentence of Scripture, when it is not found in all the Bible? Methinks these men should have observed how our late Masters had corrected this gross and obvious fault in the *Scotch Liturgy*, before they had thus confidently told the world, *They were perswaded there is nothing in the worship of England, which is not agreeable to the Word of God.*

Thirdly, In the Worship of England much of Canonical Scripture is omitted, and never to be read (a fault complained of by the first Compilers of the Common-Prayer-Book) and much of the *Apocrypha*, vain, false, and ridiculous, is appointed to be publickly read; the great Bible-Translation of the Psalms, is thrust out; and a most corrupt Translation of them, omitting some whole sentences, adding whole verses; and falsely translating many places and Texts, is affixed unto the Common-Prayer-Book, and made part of it: Some part of Scripture is dignified above other parts thereof; the Gospel must be honored with the *standing up of the people*, the Epistle (no way different in the matter, *Christ crucified*, but only in the name and manner of Revelation from the Gospel) is slighted: Will the Gentlemen of Oxford say this is agreeable to the Word of God? They must prove it; for we shall not believe them; and the rather, for that this gross abuse is palliated by this false profession in the preface to this Book, *That nothing is ordained to be read, but the pure Word of God, the holy Scriptures, or that which is evidently grounded thereupon*; and the rather, for that we find the Common-Prayer-Book condemned (in respect of these particulars) by Dr. Spark, no mean Son of the Church.

As is Dr. Boyes in his Exposition of the Liturgy. p. 1.

Vide. The Preface of it.

The titles of the Psalms.
Psa. 72.
Psa. 14.
Psa. 105. 28.

Vide. The Anatomy of the Service-book.
p. 18.

Fourthly, Will these Masters and Scholars stand persuaded, that the extraordinary Solemn Worship appointed by the Common-Prayer-Book unto holy dayes and their Eves, is agreeable to the Word of God, wherein every particular holy-day hath its distinct and particular Collects, Epistles, and Gospels, as its Solemn Service appointed: not to insult on the supposed influence of that reputed sanctity on the Six or Seven dayes following, directing the same service to be impertinently continued; as in the Feast of the Nativity, Easter, Whitsunside, Ascension, and others; nor the unwarrantable preeminence given to some parts of Scripture above others; or the irrational denomination of some Prophetical and Historical portions of Scripture Epistles; all which are well urged by many Non-conformists. I would enquire, what part of Sacred Writ stamps Sanctity on Wednesday and Friday, more than the other four days of the week; and sets them into a parity with Sunday (to retain their Dialect) that the same more Solemn Service shall be read on those dayes, as on that day? By what Scripture-warrant, mediate or immediate, are other dayes, besides the Lords day, made holy, or sanctified in honor of the Saints, so as in their nature to interdict mens labour in their lawful calling, engage men to the exercises of Religion as oft as they return, and become Subjects of that Solemn Service, which may not on other dayes be offered unto God? Is not a Religious owning, and observation of some time, as (not appointed by the God, of our time, whose sole Prerogative it is to make it) Solemn and Holy time, to be Religiously employed, a plain and formal Superstition repugnant to Gospel-Rules? Gal. 4. 10. Coloss. 2. 16. I am not ignorant that some holy-dayes have been of ancient and universal observation in the Church, and have had claim to Apostolical tradition; and occasioned much controversie in the Church; but I stand unjustified in their institution: I deny not the just authority of the Church or Christian Magistrate over our time; but I think there is a vast difference between time as the subject, and as the adjunct of Religion; God only can make it the first; humane authority may appoint holy Fasting, and holy Feasting (those transient acts of Worship dependant on, and subservient unto Gods dispensations of providence to his people) and so may determine (the second) time (like the dayes of Purim) as a necessary

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adjunct to those acts of Worship; but to make holy-dayes Subjects of Solemn, Sacred Service, I have not seen any Commission that doth authorize the Church thereunto: Eminent Saints call for the esteem of the Church; but the keeping of them in a Calendar, and appointing them their several holy-dayes, sets them a pitch too high; and shews the Church partial, respecters of persons, having some in admiration, and slighting others no less deserving, or subjects hereunto an intolerable burden, by necessitating every day to be Holy: The Nativity, Circumcision, Passion, Resurrection, and Ascension of our Lord and Saviour, are all mysteries or matters of reverence, esteem, and admiration to the Church, to be duly and distinctly considered; yet (under correction of better judgements) the several holy days appointed to the memorial of them, is in my thoughts no less irrational than irreligious: I say *irrational*; because though some of them be *great Mysteries*, yet they are not simply and in themselves *mercies to the Church*, but as they relate unto, and center in the work of Mans Redemption, to which they do relate as several distinct acts of that compleat and individual Blessing or Mercy; and right reason doth direct commemoration of all the parts in the mercies by them-perfected and compleated. *Irreligious* it seems to me, as without any divine Warrant, nay redundant to Gods own institution, who hath appointed the first day of the week as the day for the commemoration of the worlds Resurrection by mans Redemption: If this be the cause of the change of the Sabbath (as we have been commonly taught) doth it not supersede the appointment of the Church? God doth not mediate, what he doth immediately; or by Commission, what is done in his own person. I well know, some in their *Contentes for holy-dayes*, make the Sabbath changeable at the Churches pleasure; and if these several acts of Redemption be commemorated in their distinct holy-dayes, I see not how we can avoid a return to the Jews Sabbath; for the fourth command must needs be moral; and this method takes away the reason of the alteration of the day. Now Sir, if the *holy dayes* the foundation, be Superstitious, sure Oxford will not say the Superstructure, or Solemn, Special Service, is agreeable to the Word of God!

Fifthly, Again Sir, will the Masters and Scholars of Oxford say, the very order and method of the Common-Prayer is agreeable to the Word of God? How do they ground their periwasion concerning the Versicles, Popular Responses, Intermixtures, Abbreviations, Abrupsions, and stops, and present postings on again, with a *Let us pray*, when nothing but prayer is in hand, that they are agreeable to the Word of God? I observe the first Compilers of this Book, to leave a blot on this method, by taking away many Verses, Responses, Anthems, and the like, which did interrupt the duty of reading the Scriptures together, and that for this very reason, but à quatenus ad omne valet consequentia: The number is not only to be abated, but all things of this nature, obstructive to, and inconsistent with the Solemn, and serious, entire performance of any particular Act or Duty of Religion, ought to be abolished: Doth the Word of God allow *mute service*, or private devotion in the publick Assembly? What warrant is there in the publick service of the Church for a silent space of time, that the secret prayers of the people may be sent to heaven, as is directed at the Ordination and Consecration of Priests and Bishops? The reason there-in declared, is, That *Jesus Christ prayed all night*, before He sent out His Disciples; and the Church of *Antioch* prayed, when they sent out *Paul and Barnabas*; but they do not tell us whether Christ were in an Assembly when he prayed alone; or whether the Church of *Antioch* had a silent space in which they secretly prayed; nor whether the prayer of the one or of the other, were mental or vocal; but I observe it was joyned with *Fasting*, in which our order agreeth not, whilst any *Sunday* or *Holy-day*, and a short space thereof will be an opportunity sufficient for such a work.

What Text of either Old or New Testament, allots to the people other portion of publick prayer, save to say *Amen*? In respect of which prayer is prescribed to be in a known tongue to their understanding; How shall we make the peoples vocal responses, salutation, supplication for mercies, deprecation of miseries, meerly and only recited by the Ministers, agreeable to the Word of God? Must it be by the salutation of *Boaz* and his Reapers? or *Mary and Elizabeth*, to which Dr. *Boyes* referreth it? it must then be proved, that *Boaz* was in the publick Assembly,

So do the very Papists, *Antiphonas, responsorias, versiculi & ejusmodi minutia; non videntur necessaria; impediunt enim cursum pia & utilis lectionis.* Spalat. l. 17. c. 12. Art. 96. *Versiculos, responsorias & capitula omittere idcirco visum est, quoniam legentes saepe morantur.* Card. Quiguonius.

1 Cor. 14. 15.

Exposition of the Liturgy.

p. 40.

bly, and celebrating divine service; and so for *Mary* and *Elizabeth*; and that it was not a *civil complement*, expressed in *Religious* words on an *occasional* meeting each with other, as becomes *Christian friends*; and that such pieces of *civil respect* witnessing *reciprocal affection*, are parts of *Solemn Worship* to pass between the *Pastor* and *people* in the celebration thereof.

I shall not deny *fighs*, and *short ejaculations*, to be ardent expressions of the mind and affection, and find acceptance with *God*; but question the suitableness thereof to standing, solemn, and publick Worship. I yield to *Dr. Boys*, that the *Publican* did affectionately dart out his *Lord be merciful to me a sinner!* and the *Woman of Canaan*, her *Hail mercy on me, O Lord!* and blind *Bartimeus*, *O Son of David, take pity on me!* But (by his leave) I must say these were *personal*, not publick; *occasional*, not fixed, *ordinary Worship*; *extemporary* on the occasion; not *premeditated*, much less *prescribed*; nay, I will grant what he saith *Augustine* Reports of the *Christians in Egypt*, and which *History* mentioneth of other Churches: Yea, I could be easily convinced, that in the very first Age of the Gospel, many *Christians* did in the Assembly utter their short expressions, and darting prayers; *preces raptim quodammodo ejaculatas*: But yet it would be noted they were *ejaculations personal*, expressed in a *Sacred rapture*, on the sudden ebullition of the *Spirit*, which without doubt wrought in prayer, as in *Prophecy* and in *Plumes*, the heat whereof required the *Apostles* restriction and regulation, affection leading into confusion; and so can be no warrant for such *premeditated*, *ejaculative expressions*, to be prescribed in *set and publick prayer*, wherein all things by a Rule restraining this very method under the fervency of the *Spirit*, *Let all things be done decently and in order*, are to be regulated; that therefore might be admitted and exercised in the Church, and acceptable to *God*, in private, and personally expressed, or on the immediate ebullition, or boiling up of the *Spirit*, and in the heat of affection, in the infancy of the Church, which will not be so in the publick and prescribed prayers of the Church in her Adult estate, in which she must appear more serious and composed; and so will not render this Order of Worship agreeable to the Word.

1 Cor. 14.

The Fastning of St. Peters Fetters.

Sixthly, Will the Masters and Scholars of Oxford say that the Rites and Ceremonies annexed to the Worship of God, are agreeable to the Word of God, viz. *The Cross in Baptisme, Surplice in divine service*, supposed to be established? Or those since pressed; as, the *Bowing at the Name of Jesus: Turning Tables into Altars, and Bowing to them, and placing on them Candlesticks and Tapers: The Consecration of Churches*, and the like; though I should (which I confess I cannot) admit what is pretended in the Preface to the Common-Prayer-Book, that they are apt to stirre up the dull minde of man to the remembrance of his duty to God by some notable and Special signification, whereby he might be edified; yet I must enquire by what authority are they appointed? the highest pretended is the Church; and I see no Commission the Church hath to appoint such things: If I mistake not, the power of the Church is declarative, executive, and Ministerial, not judicial and magisterial: She may publish the matter, and prescribe the Order of Gods Worship; but not constitute or ordain new matter, though never so much tending to edification, against which she is expressly barr'd by the 2^d Commandment. And if she hath power to continue our Ceremonies because significant; why, or how shall those be excluded, which are more ancient and significant? Such as were the baptizing for the Dead, putting Cream and Honey into the mouth of the baptized; insufflation, and spitting at the Devil and the World; and coming to baptism in a white Garment which was left behind (and profitably produced as a pledge against Elpidophorus, when Apostatized from the Faith in which he had been baptized) and many such like, which Tertullian mentioneth as used in the Church, in the Year of our Lord 62. in the times of the Apostles, than which, the use of the Cross cannot be more ancient, nor is it indeed so ancient: If then the Church have not a power to ordain them, on what basis do all our Ceremonies stand, save that prophane Maxime, *No Ceremonies, no Bishop*? Before it be determined that these Ceremonies are agreeable to the Word of God, I wish it may be determined, Whether the appointment and Religious exercise of matter significant (and so in it self tending to edification) not instituted by Jesus Christ, be not the very formality of Superstition?

*Tertul. Coron.
mil p. 449.
Contra Marcion.
lib. 7 p. 155.*

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Seventhly, Lastly, Is it agreeable to the Word of God, in ordination to divide the work of the Ministry? and give authority to apply one of the Sacraments, and not the other? to baptize, but not administer the Lords Supper otherwise than as Assistant to him who hath ministerial power of consecration, as it is done in the Ordering of Deacons? Again, is it agreeable to the Word, to denominate Gospel Ministers *Priests* (which properly relate to a Sacrifice and Altar?) If so, why did our late Masters alter the Title into *Presbyters* in the *Scotch* Liturgy? Is it agreeable to the Word, that the Ministers of Jesus Christ *swear*, or Solemnly promise obedience unto their fellow Ministers, under the notion of an ordinary and Chief Ministers? It is reason they keep order, and be subject to the Assembly; but parity of Office and Authority, admits not of obedience. Is it agreeable to the Word, that *Bishops* *swear*, or Solemnly promise obedience unto the *Archbishops*? If so, why not *Archbishops* to *Cardinals* or *Patriarchs*, and they to the *Pope*? Is it because the Sea bounds our *Papacy*? Is it in the forme of ordination agreeable to the Word, that the Bishop ordaining, do Magisterially repeat the words of Jesus Christ who had a power and did effect it, (*viz.*) *Receive thou the Holy Ghost; Whose sins thou dost forgive, they are forgiven; and whose sins thou dost retain, they are retained;* as actually giving the *Holy Ghost* as a qualification for that Office, and after this to give authority of administration with a *Take thou authority to preach the Word of God, and to minister the Holy Sacraments.* Is it agreeable to the Word of God, by a special, Solemn, and Religious act, to Consecrate unto a degree convenient and only necessary for the method and Order of an Assembly? as if it were (and indeed however others think, by reason of the variation of the word, I believe it was intended to be) an actual Ordination to a distinct Office of Ministry in the Church, like the Chief Priest-Hood among the Jews? I am at a loss in Civil or Religious Policy, to finde a warrant for so Sacred a forme in an advancement to a degree, yet I will not deny the formalities of the Chaire: Is it agreeable to the Word of God, that *excommunication* (the last and greatest of Censures) do proceed without admonition? and be inflicted *ipso facto*, before obstinacy the proper and only ground of it be detected, much less

less convicted? and that so dreadful a Censure be denounced on the non-observance of Rites and Ceremonies declared *indifferent*, and other light and frivolous occasions? nay, on the very discharge of duty? As, suppose an exercise in a Market-Town, or a Fast kept in the Parish Church on the occasion of some special exigency of that parish; or by a Minister in a private family, whose domestick concerns may call for the house and family to mourn apart, and intreat the assistance of their special particular friends in prayer; and yet in all these cases it is directed in the Canons made by the Convocation in London, of which the Bishop of London late President, ANNO 1603.

Canons of
1603. Can. 71.

Sir, these things and such like, in the *Worship, Discipline, and Government of the Church of England*, are obvious; and have been often urged as needing Reformation; and as Reasons Apologizing for the Non-subscription of the Sober, Learned, and Pious *Non-conformists*, ever since the Reformation; as by Mr. *Thomas Cartwright*, the Ministers of *Devonshire and Cornwall*, the Ministers within the Diocese of *Lincolne*, and many others, whose Printed Books could not but have been seen by (at least some of) the Masters and Scholars of *Oxford*; and might have convinced their judgements, that they had done amiss by their personal subscription to approve that all things in the four specified particulars, were agreeable to the Word of God.

71. Their confidence that all things in these four specified particulars, are agreeable to the Word of God, and need no Reformation, may well engage them to conclude, that they are much better than those of Scotland, which they were to swear to preserve: For, the Doctrine, Worship, Discipline, and Government, in the Church of Scotland, differeth in all the particulars mentioned; and so must needs be dissonant, if these be AGREEABLE TO THE WORD OF GOD: Yet Sir, methinks the good grounds on which they thought so, might (for their clearer Apology, and satisfaction of other souls called to swear the same Covenant) have been specified and declared; the rather, for that they seemed to be in a strait when they pointed unto the accounting of Bishops antichristian, and indifferent Ceremonies unlawful; the making their Discipline the mark of a true Church, and the setting up thereof the erecting of the Throne

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Throne of Christ, as things tending towards Superstition and Schisme, and the worst things in the Church of Scotland, which called for Reformation, rather than Preservation.

Lastly, the Hazard of their estates doth seem indeed to be their great stumbling block in their way to the Covenant: *All Clerks are by the Lawes yet in force, required to give their assent unto what by this Covenant is required to be reformed, and that on pain of losing their Benefice*: Which Sir, we shall admit (though it would admit a dispute in reference to many, if not all the particulars mentioned;) yet how should this demurre to the taking of the Covenant? Because the Law requires our assent, it will not therefore follow, *they need not reformation*; nor it is not lawful for us to endeavor their reformation: Many men have assented to the Law, who could never give the assent required by the Law; and by suffering, shewed that the Law is their burden, binding them to suffer, whilst it requireth what they in truth and good Conscience cannot yield: But must good men continue under this burden, and take no care to ease themselves? Is it a sin for men to covenant in their places to endeavor the removal of a burdensom Law? Or might not the Reformation covenanted, be so endeavored?

Nay Sir, on the consideration of the whole Reason, can such endeavor be any *wrong to mens consciences, reputation, or estate*? and then there is no strength in this 2^d Reason of Oxford against the covenanting such an endeavor. But we proceed to their 3^d Reason of this Exception.

3d Reason of
this exception.

The third Reason on which the Masters, Scholars, &c. of Oxford stand dissatisfied concerning the Covenant, or Reformation of England in Doctrine, Worship, Discipline, and Government, is indeed the most weighty and considerable, if but clearly proved: and it is,

Their manifest danger of perjury; the Covenant in this point seeming directly contrary to the former Solemn Protestation: (I presume they mean that of May 5. 1641.) which they had sworn neither for hope or fear, or other respect ever to relinquish: or the Oath of Supremacy, which according to the Laws of this Realm, and the Statutes of this University, they had sworn.

Unto this Reason I easily grant, that contradictory Oaths do run the soul on manifest perjury; and if the first were lawful, the last must needs be sinful; neither to be sworn at first, nor obliging at last, if it be sworn.

2. But the contradiction must be manifest and clear; not seeming, and conjectural, which may spring by passion and prejudice, to the fancy of such as are willing to suppose it, (as all things look yellow to Jaundies eyes) and is not in reality such to impartial Readers. It seems this contradiction between this Covenant and those Oaths, was, to the men of Oxford, but seeming, though to their best understandings (in their then capacity I presume) and it must pass into a certainty, before it discharge the bond to such as are under it; though seeming so to be, might suspend the act of them to whom it so seemed.

3. But let us see wherein seems this contradiction: It is well if it amount not to as much as the Scotch Notions before specified, which seemed to tend to Superstition and Schisme.

First then of the contradiction to their protestation, which I imagine can be no other but that of May 3. 1641. and so far as it concernes Religion, runneth thus, *I A. B. do in the presence of Almighty God, vow and protest to maintain and defend as farre as lawfully I may with my life, power, and estate, the true, Reformed, Protestant Religion expressed in the doctrine of the Church of England, against all Popery, and Popish Innovations within this Realme, contrary to the same Doctrine.*

The Solem League and Covenant in the Article under consideration, runneth thus; *That we shall sincerely, really, and constantly, through the grace of God, endeavor, in our several places and callings, the Reformation of Religion in the Kingdom of England, in Doctrine, worship, Discipline, and Government, according to the Word of God, and example of the best reformed Churches.*

Contraria contrariis juxta opposita magis elucescunt. Let any impartial eye read these two Oaths thus opposed, and shew me wherein seems the contradiction to lie: They may indeed seem different in their sound and manner of expression, but Oxford well knoweth, that all diverse, are not opposed; all difference

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rence amounts not to a contradiction; *diversa & opposita; aequae dissensanea sunt, sed non aequae dissentiunt*; they differ indeed, but not with the same difference: I wish that on second thoughts they will please to tell us whether the difference be *Re*, or *Ratione* only; the same thing being protested in the *first* (though not in the same words, and after the manner) which was covenanted in the *last*: But they specify the contradiction, (*viz.*) *The Doctrine they vowed to maintain by the name of the true Protestant Religion, expressed in the Doctrine of the Church of England, they took to be the same now to be reformed and altered.*

But Sir, were they not, in taking it so to be, much mistaken? The Covenant binds to Reforme Doctrine in the Kingdom of England; was there no such Doctrine openly divulged in the Court Sermons and Printed books of Mountague, Reive, Heylen, Dowe, Cozens, Pocklington, and others before mentioned? In Mountague, *Apello ad Caesarem: originum Ecclesiasticarum*, 2 parts: *Anti-diatriba: Pocklingtons Sunday no Sabbath; Altare Christianum: Heylens Coal from the Altar; History of the Sabbath: Sales his Introduction to a devout life: Shelfords five Treatises: Dowe against Mr. Burton: Cozens his Houres of Prayer: and many other licensed books publicly sold in the Kingdom; and in the Visitation Articles of Bishop Mountague, Bishop Peirce, and Bishop Wren (on which many good men were vexed;) which was distinct, and different, (if I may not say) expressly contrary to the Protestant Religion expressed in the Doctrine of the Church of England: And did not these need Reformation? And is not the duty of every good Subject and Protestant in maintenance of this Religion, to endeavor a Reformation, alteration, and total expunction of such Doctrine, and so to covenant? And then Sir, where is the contradiction? In this sence the Protestation and Covenant do plainly coincide, and agree in one and the same thing.*

But Sir, let us allow them their sence, That the Doctrine protested to be maintained; is the same covenanted to be reformed: Are Maintenance and Reformation incompetent? Is there not a possibility of some adjuncts unto the substance of the Doctrine of the Church of England expressing the true Reformed Protestant Religion; and separable without the destruction thereof?

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of? Or may not the Doctrine of the Church of *England* be reformed as to the scant, general, dubious, and difficult manner of expression, and yet the matter thereof be maintained and defended? Are those Articles which concern the Government of the Church, and Consecration of the Bishops and Archbishops, of the essence and formality of the true Reformed, Protestant Religion? Will not the assertion thereof tend more to Schism, than *Scotlands* supposed making their Discipline and Government the mark of a true Church? As denying the Reformed Churches beyond the Sea to have attained to the true Reformed, Protestant Religion, which yet they handed over to us?

But what reason had these Gentlemen of *Oxford* to understand the Doctrine of the Church of *England* in such a latitude? when the sense of it is limited by them who were then known to be Legislators (and a power sufficient to prescribe an Oath unto, which themselves subjected) and were the best expositors thereof (*viz.*) the House of Commons, who thus declared:

Whereas some doubts have been raised concerning the meaning of these words [The true Reformed, Protestant Religion, expressed in the Doctrine of the Church of England, against all Popery, and Popish innovations within this Realm contrary to the same Doctrine] This House doth declare, that by these words, was, and is meant only the publick Doctrine professed in the said Church, so farre as it is opposite to Popery and Popish innovations: And that the said words are not to be extended to the maintaining of any forme of Worship, Discipline, and Government, nor of any the Rites and Ceremonies of the said Church of England.

By which these Gentlemen might have understood,

1. The Realm, and Church of *England*, were two different Subjects, the one professing Doctrine in the other, wherein also there was Doctrine tending to Popery, and Popish Innovation.

2. There were in the Doctrines professed by the Church of *England* some adjuncts of Rites, Ceremonies, Government, or some special order of Worship, which might need Reformation, and were not ~~view~~ to be maintained.

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So that according to this sense of them who prescribed both, there is more of consistency, than contradiction between the *Protestation and Solemn League and Covenant*: So that the manifest perjury they feared, hath not so much as a seeming ground.

And as for the supposed contradiction of this Branch of the Covenant unto the Oath of Supremacy, it will on examination, vanish as an apparition, a thing which so seemed, but cannot be so proved: For if they will not hiss me out of their Schools, I will grant them their Proposition in the Oath, and assumption in the Statute by them quoted, and yet find a way to avoid the conclusion, because a meer non sequitur on their premises; and this if they will have the Argument logically resolved, by denying the consequence of their major Proposition; for I will grant unto them, that the Oath of Supremacy doth bind us to our power, to assist and defend all Jurisdictions, Privileges, Preeminences, and Authorities, granted and belonging to the Kings Highness, his heires, and successors, or united and annexed unto the Imperial Crown of this Realm: And assume with them, That the King had the whole Power and Authority for Reformation, Order, and Correction, of all manner of Errors, Heresies, Schisms, &c. and yet deny the sequel, viz. That we may not endeavor in our places and callings to reform Religion. For the defence of the Kings power is no way repugnant with the duty of our particular capacity. I hope a Minister may by his preaching, or a Divine by his disputation in the Schools, endeavor the correction and Reformation of Error and Heresie, Schism or Superstition, and yet not intrench on His Majesties Ecclesiastical Jurisdiction, and so interfere with their Oath of Supremacy? Yea, in reference to judicial and authoritative Correction and Reformation (which we will suppose can only be done by the King) mens endeavor may be in their places and callings by Counsel, Proposal, Remonstrance, Petition, Supplication, and the like, to procure His Majesties consent, and authority, to Reform Religion in the Kingdome of England, in Doctrine, Worship, Discipline, and Government; and then Sir, where is the Contradiction?

Yet Sir, if I were to dispute with a single (though senior) Sophister of Oxford, I would deny both Propositions; the major,

jor, as to its sequel or consequence, as before; and the assumption, as that which the Statute doth not prove, viz. *The whole power of Spiritual or Ecclesiastical Jurisdiction for Correction and Reformation, is annexed to the King, and Imperial Crown of this Realm:* For, the power by that Statute, is special and particular, not general and universal; as themselves have cited it, is, (viz.) *such Jurisdictions, Priviledges, Superiorities, and Pre-eminences, Spiritual or Ecclesiastical, as by any, &c. (and as the Statute proceeds) Spiritual or Ecclesiastical power or authority, hath heretofore been or may lawfully be exercised or used for Visitation of any Ecclesiastical State, or persons, and for Reformation, &c.* So that the power given to the King, is such a power as Bishops, Cardinals, or Popes had used; not such as Parliaments (who ever retained a Jurisdiction in themselves over both Church and Crown) enjoyed and exercised: This power was purely executive, not Legislative; over persons and particular Societies, not over the Kingdom and whole Realm: I presume, the Gentlemen of Oxford were not ignorant of the power and Legislative Authority which the Parliaments of England ever held over their Bishops, and the Spiritual or Ecclesiastical estate of this Land, tying them in all their administrations of Discipline, and Government, to the Customs and Statutes of this Realm, as they may read at large in the Statute of the Submission of the Clergy, 25. Hen. 8. 19. wherein they confess, *many of their Canons and Constitutions be repugnant to the Laws and Statutes of this Realm*, whereby they did not only *Restrain* the exorbitancies, and from time to time *Reform* the abuses of the Church, but also *extend* the Prerogative and Jurisdiction of the King, as in that Statute, 1 Elizab. and *Limit, Restrain, and Repeat* it; (as in the case of this individual, special power granted in the words of the Statute quoted) by the Statute 17 Caroli, entitled, *An Act for repeal of a branch of a Statute 1st Elizab. concerning Commissioners for causes Ecclesiastical*; which clause repealed, is part of this very recited Paragraph, and immediately annexed unto, and dependent on this very grant of power and authority: Nor are these Masters and Scholars of Oxford insensible, that there is a vast difference between Executive and Legislative power and authority; and that as no Ecclesiastical persons did ever enjoy (however the Pope and his Bishops did con-

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tend for it) so no King of England did ever pretend, or lay claim unto the Legislative power, further than allowed by Act of Parliaments, who were ever Dictators of a general Reformation in the Land, Church, and Kingdom; as at this time in the Reformation covenanted: Nor can they be ignorant, that it is very bad Logick, from such Jurisdictions, and Specificall, Executive Authority, to inferre, that the whole power of Reformation is so in the King, that the Parliament may not propose, or the people covenant in their places and callings to endeavor a Reformation; but they must clash with the Kings Prerogative; and contradict the particular Supremacy they have granted and bounded themselves to defend.

And now Sir, I must desire to know (whilst the Oath affords not the *Proposition*, nor the words of the Statute the *assumption*) how they will do to establish the *Conclusion*, and clear their manifest perjury from premises which, on trial, prove but *seemingly contrary*, and really consistent with the Oaths they had before sworn?

We see Sir, notwithstanding the dissatisfactions of the Masters and Scholars of *Oxford*, the first Article of the Solemn League and Covenant contains in it nothing but what is good and lawful; nay, so just, that in it self it is a duty, and therefore may be sworn; and their serious exceptions will scarce suffice to Apologize their refusal, which could not be Religiously refused by such as desire *purity of Religion, and uniformity in the Church*, whilst the *Word of God* is propounded as the *Rule*, and the *best Reformed Churches* as the *pattern* of this Reformation covenanted; and will not any thing avail, to acquit the obligation where it is laid, affording sufficient ground to establish the judgement of him that sware, without any apparent reason of scandal or hazard to Reputation, Estate, or Conscience; the *perjury* supposed to be *manifest*, appearing at best to be but *seeming*; and that on a fancied *Contrariety*, that amounts only to a *difference* in the manner, not matter of the opposed Oaths:

Subsectio 4^{ta}.
Considereth
the 2d Article
of the Solemn
League and
Covenant.

Reformation cannot proceed without a removal of what is repugnant and obstructive thereunto: the second Article of the Covenant, doth therefore bind us to the extirpation of certain evils: we must then consider in the next place, the justice and lawfulness thereof, and the weighty exceptions made against it.

In

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[68]

In this article we are to consider the *All* covenanted, *An* endeavour of *extirpation*; and the matter about which that *Act* is conversant, *viz.* *Popery, Prelacy, Error, Heresie, Schisme, Superstition, and Profaness.*

As to the *Act*, it is not objected against by any, save Dr. *Gaudens* *Nephew*. No Body, who in his (new born) *Doubts and Scruples* (midwiv'd into the World by the Drs. Epistle) would suppose himself by an endeavour of *Extirpation*, to be sworn in to Gods Throne, whose only and immediate *Act* it is to extirpate the lusts, and principles of these impieties out of the heart of man; or mounted into the Magistrates Chaire, who only may by Bonds or Banishment, or Mult, or Death, extirpate the open exercise, and publick profession of those evils, and the promoters of them; as if *Extirpation* were no way a humane *Act*, or within the capacity of private men, though not to effect, yet by Moral Perswasion, Rational Discourse, Scripture Conviction, Submissive Petition, and the like, so much as to endeavour it with sincerity, reality and constancy; the very recital of this exception is a sufficient confutation, and resolution that folly, or some melancholy fancy, more than conscience did start this doubt, and stand perplexed at this scruple without a grain of Reason.

And as to the matter covenanted to be endeavoured to be extirpated, none that are seemingly Protestants, and religious, will make question of *Popery, Error, Heresie, Schisme, Superstition, and Profaness*, or whatsoever is contrary to sound Doctrine, or the power of godliness; these are such spreading Weeds, disgraceful to the Church (Christ his Garden) and destructive to the principles and practices of all Religion, that almost all men will appear the foremost in an endeavour to extirpate them; and on this account Dr. *Gauden* in his late Epistle to the Doubts and Scruples, would divert our endeavour for extirpation of the *Prelacy*, Covenanted against, by directing the same unto *Schisme* and *Superstition*: But Sir, by his leave, as we cannot own him as our Master, to be at his pleasure, appointed our work further than our own prudence will guide us; so we must tell him, that every Plant which our heavenly Father hath not planted, must be rooted out; that some weeds are more visible and spreading than others; and as they need more speed and diligence, so they call for more strength and labour to remove them, being deeply rooted by their long

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continuance; and therefore the *extirpation* of them must be
 pised with *indiscretion*, whilst the Earth is loose, and they unsetled;
 and it is more than probable, that many of the others, if not all,
 may come up with this one, which either occasioneth *Schisme*, or
 by its shade defendeth *Superstition and Profaneness*, if I may not
 say *Popery*: But stay Sir, the Masters and Scholars of Oxford do
 pluck me by the Ears, and tell me I am mistaken, if I deem Pre-
 lacy a weed, which is undoubtedly the fairest flower in the Gar-
 den of Christ his Church, according to whose language I find
 Dr. Featley's Ghost Canning in his League illegal; but Sir,

Oxford Exce-
 ption by a ge-
 neral term fal-
 lacious.

I shall desire to let them know that Prelacy in its general and
 genuine acception, is undoubtedly a *very fair flower*, and far
 from being weeded up; and therefore in the *Solemn League and*
Covenant it is specified, and a particular kind of Prelacy spring-
 up, and over-spreading the Church of England, is Covenanted to
 be extirpated: I shall be willing to give the *honour* of this re-
 striction and specification to the speech of Dr. Daniel Featley,
 occasioned by the over-hot pressing of some truly zealous for
 Reformation of what was amiss) that *Prelacy in general* (it
 having by appropriation to one kind obtained a vulgar evil ac-
 ception) *should be extirpated*; only I cannot acquit his acute
 Executor from the dishonour of misapplying his Uncles speech,
 (when dead) as speaking against that which it had effected;
 (*viz.*) an express mention of the species, and particular kind
 of Prelacy to be extirpated; that is, *the Government by Arch-*
bishops, Bishops, their Chancellors and Commissaries, Deans, Deans
and Chapters, Arch-deacons, and all other Ecclesiastical Officers
depending on that Hierarchy; whereby the general term Prelacy
 is limited and restrained; so that I shall expect their exceptions
 to lie against the extirpation of this species and kind of Prelacy
 unto which the Covenant doth bind us; for we well know, *dolus*
versatur in generalibus, Crafty men do deceive the Vulgar by an
 Out-cry of extirpation of things in their general nature good, but
 in this or that special kind evil: I shall therefore especially con-
 sider the exceptions of the Masters and Scholars of Oxford a-
 gainst this second Article, so far as it relateth to the Prelacy there-
 in specified to be extirpated; as those on which I observe others
 depend, from which others have derived theirs, and to which on
 all occasion they do retreat as to their impregnable Fortresses.

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They therefore in the fourth Section of their Reasons, for not swearing the Solemn League and Covenant, do preface their exception with an expression of their affection to that Government to be extirpated, and first present us with this fair *Encomium* of it;

That Ancient Form of Church-government under which our Religion was at first so orderly, without violence or tumult, and so happily reformed; and hath since so long flourished with truth and peace to the honour and happiness of our own, and every and admiration of other Nations: But Sir, good wine needs no bush;

is it well if the Arguments be as agreeable to the mind, as this glorious description of English Church-government is captivating to the affections; I hope Sir, serious Casuists in flaring their Scruples, do not set a lustre on the object by glorious Epithetes to engage the admiration of the Vulgar: But Sir;

As Antiquity may be no Argument of history, variety, or goodness; these learned men know this is the loud and common cry of Pagans for their Idolatry; and Papists for their Superstition and Popery, which within point of Age appear the Elder Brother to English Prelacy. Pope Gregory being before Austin the Monk, the first Archbishop of Canterbury, and yet is not owned as any addition to their story, or demonstration of their verity; for as true Religion is first received, so it is after corruption reformed by the Redeemed from the vain Conversation received by tradition from their fathers.

Order is indeed very amiable in any Act; but what they mean by the orderly proceeding of the first Reformation, I know not; sure I am that the piety of the Lady into Clergy in a work of this nature in which they should have been Directors, was more just than regular: And when I consider the first step of Reformation in the expulsion of the Popes Supremacy (supported by all the Bishops unto a unanimous resolution) in Henry the eighth, from discontent at the Popes dealing in the business of Queen Katharine, rather than conscience of his sinfulness; to have been steered by policy, not piety; to stand consistent with a retention, and fiery enforcement of Popish Doctrine and Worship, unto the persecution and burning of Tyndal, Lambert, and others; and imposing of the six Articles (in which I must confess I have myself been a faithful Bishop, but o-

Oxford Commendation of Prelacy considered.

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Foxe, Acts and
Monuments, p.
959.

thers I find not opposing) And when I observe *the Line which*
first ruled in *Henry* the eighth his dayes, to be retained and run
thorough the Reformation of *King Edward* the sixth, and was
too much regarded in the time of *Queen Elizabeth* (who both
acted from a more pious principle, had but their Counsellors es-
capivated their policy, and the little knowledge of those reform-
ing dayes given them to see, and set up in its lustre and power, the
square and right Rule of Reformation) I cannot but say Gods
power is much more manifest in the first Reformation of *Eng-
land*, than was *mans order*; and yet what order was, History wit-
nesseeth to have been, though under, yet without, yes, against the
Bishops: *The hundred and eighteen thousand eight hundred and*
forty pounds paid by the Bishops of the two Provinces, *Canterbury*
and *York*, for their pardon from the *parliament*, doth proclaim
their opposition at the first: *The thirty two persons* chosen out
of the Parliament to consider and conclude *Articles of Religion*,
and *Crammer* and *Ridley's* *Politicall* plea against pious Prince *Ed-
ward* the sixth, for the Mals of his Sister *Marie*, and the *after-
conclusions* in their *Convocations*, do not speak much of forward-
ness at the last, whilst in the one, or in the other, they went not
any faster, than driven by the Kings injunctions. *no more*
3. No marvel that they who could not see in this Reformati-
on any disorder, could not hear any noise of tumult; attend it;
and yet if I mistake not, the Tarracantata murmur of the *Lin-
coln-shire* and *Tork-shire* men in their *rebellious* holy pilgrimage,
headed by *Dr. Makrel*, denominated *Captain Coblen*, and abet-
ted by many of the Clergy, not that I find resisted or quiered by
any Episcopal influence in the time of *Henry* the eighth; and
the like *insurrections* of *Suffolk*, *Tork-shire*, *Oxford-shire*, *De-
von-shire*, *Cornwal*, and other Counties, against the Reformation
by *King Edward* the sixth, doth signifie unto me that the Refor-
mation was not at first more preposterous, than *violent and tu-
multuous*, though not in the Authors, yet in the opposition and re-
luctancy of its subjects, occasioning this Note to be left upon it;

Tanta molis erat Romanam evertere sedem.

Yet I must not by reason of the one or other, deny it to have been
happy; but I desire freely to acknowledge that this *Reformed Re-
ligion*

ligion in the degree attained, hath since happily flourish'd with the honour of our own, and envy of other Nations; only I see not wherein this Government (the extirpation of which is Covenanted to be endeavoured) did either occasion, or add unto the happiness and honour thereof; I am sure it is noted by others; and were I the first observer of it, I durst undertake to make it good, that Religion had sparkled and flourish'd with more honour and happiness in an higher degree of Reformation, than it yet doth, if not retarded, and sometimes retrograded by Englands Episcopal Prelates, who have made it so much pompous unto sense, and the Worlds admiration, but so little powerful to the spirit: But Sir, I love not to recriminate, or reproach things or persons; I shall therefore pass this applause of our late Prelacy, with this Request, That the Masters and Scholars of Oxford, or any other, will please to tell us what there is in this Government, so special and peculiar for its efficacy, to the order and quiet of Reformation, that may not be found in another Form of Government; for that only is of the essence, and so must be the Emphasis of this Episcopacy.

The apprehension of the worth of this Government, had, Sir, its full influence on the affections of these learned men; they therefore profess themselves

1. Affected with grief and amazement to see it endeavoured to be extirpated without any Reasons offered to their understanding, for which it should be thought necessary or expedient so to do.

2. Ranked with Popery, Superstition, Heresie and Profanities.

3. Intimated to be some way or other contrary to sound Doctrine, or the power of godliness.

Unto all this I shall say in brief:

1. That if the constant stragglings of this Government, with the civil power and encroachment, on the Royal Authority in all Ages having not kept its bounds, but by exercising absolute independent Authority in their own Nomens, and under their own Seals, in a Legislative Declaration of what is Treason; and by an Imperial power to prescribe Oaths to be sworn, as in the Canons of 1640. the Bishops of both Provinces did presume to do; if its innovation, defence and propagation of erroneous Do-

Their grounds of affection and amazement at Extirpation of Prelacy examined.

Crimes and Superstition; if its suppression of Truth, and true Religion, by silencing, suspending faithful Preachers; if its violence, irregularity and injustice in High Commission Censures, banishing, imprisoning, confiscating, stigmatizing, and excommunicating of the best of men for meer trifles, things indifferent, so judged by themselves at the best; nay, many times for opposing profanities and superstition; yes, for performing their duties in praying and preaching; and the like evils which did attend it, though (I should say) but accidentally, by the corruption of *Montague, Laude, Wren, Pierce*, and their Companions, be written in such sensible Acts, and legible Characters, that England might feel, and the World read them; I think there need not be much of Reason offered to shew, not only the expediency, but necessity of extirpation of a Government, though in it self good, yet capable of such enormities, unless it be of an immediate and undoubted divine right.

But Sir, Had not Oxford their numbers in Parliament? and did they not trust them with their understandings? or must a Parliament offer Reasons of the necessity and expediency of every Act they impose on the Subject, before the Subject yield obedience? and yet the Vote of the House of Commons past the 10th. of June, 1641. viz. *That this Government hath been found by long experience to be a great impediment to the perfect reformation and growth of Religion, and very prejudicial to the Civil State*; together with the learned speeches of many Members in the House, printed; to offer Reason without, as well as within doors, might have laid something before the judgments of these Gentlemen. I presume Sir, the Subjects obedience must not (in the judgment of this University) be suspended untill the Reasons of State producing the resolution be known to, and apprehended by every private person and society.

2. If this Prelacy judged thus evil, were but contemporary with Popery, Superstition, Heresy, Schisme and Profaness; though we should presume it good, I hope it may be ranked amongst its fellows, and taken upon suspicion; it may be a grief, but no wrong to slay an honest man found in company with Thieves; when he hath cleared himself, justice will let him go.

But Sir, if this Prelatical Government be the formality of it, a plain and clear Papacy, as the owning of *Anselme* Archbishop of *Canterbury*, *Papam alterius mundi*, the content all Papists find in the same, could they but continue it in dependence on *Rome*, for Consecration and Investiture, pure circumstances, not of the essence of the Government; and principally its springing from the same principles, standing on the same Basis, the indulgence of *Princes*, and being supported by the self-same Arguments and Authorities which are urged by *Bellarmino*, and the Council of *Trent*, for the defence of the Papacy (in all which respects it must needs appear, that the difference between an universal Metropolitan or Diocesan Bishop, is in degrees and limits, not in kind; for is there not the same reason for Arch-bishops over Bishops, to receive their Oath of Obedience, as for Juridical Bishops over Presbyters; and so the same for Cardinals over Arch-bishops, and Popes over Cardinals?) do suggest it to be; and if it were the Foot-stool or Stirrup of the Papacy, as *Salmasius* doth at large demonstrate in his *Apparatus ad Papatum*; and as *Beza* doth affirm, when he tells us, *Episcopi Papam pepererunt*. *Beza*, Epist. 79. I hope it can be no great wrong to rank it with Popery, which might be its proper name, though through use of a larger signification.

History of the Council of Trent, Edit. 3. p. 589, 590. to p. 616.

And if Sir, its Rule whereby to square it, and Reason of sustentation be that which is not more openly Canted by some, then indeed generally practised; (*viz.*) *No Ceremonies, no Bishop*, whereby the Cross in Baptisme, the Altar, the Surplice, and other matters innovated into the worship of God, the use of which (how edifying soever to the Church of God) is a formal Superstition; it cannot be much abused to call Superstition its companion.

And if it have been found to indulge Heresie, by publishing and printing *cum privilegio*, all Heretical Notions, and silencing the Pulpit, and stopping the Press from all possibility of Confutation; or if by innovation of Superstition into worship, and obtrusion of Error in Doctrine on the souls of men, it hath provoked *Schisme*, I hope there is no great cause of complaint for putting these together with it.

And if it have been approved a protection and promotion of *Revels, Church-ales, Clerks-ales, Sports and Pastimes on the*

The severn
two Ministers of
Somerseſſhire,
in their unani-
mous conſent
to the continu-
ance of Revels,
Church-ales,
&c. *Pierce*; and others; it ſure can be no great wrong to rank it with
profaneſs, and intimate it to have in it *(ſome contrarie to the pow-
er of godlineſs)*; to which (whatever ſome few, very few, Biſhops
might do) the current of Episcopacy did never yield much
countenance, or ſpeak much amity. *St.* in theſe and the like re-
ſpects, the extirpation thereof muſt be endeavour'd by all that
will not partake of other mens ſins; and I muſt be free to tell
them, that in their Parallel caſe propounded (which yet will not
ſquare) the alteration, yea, extirpation of the Civil Government
of the City, capable of ſuch proximity unto Treason, Murder,
Adultery, Theſis, Conſenage, and the like, would be by all inge-
nuous men judged both juſt and reaſonable; but I inſiſt too long
in abatement of their affection; who offer Arguments by which
they were perſwaded to adhere unto their object; let us there-
fore weigh them ſeverally.

This Preface being paſt, they proceed to the Reaſons why
they cannot Covenant an endeavour to extirpate Prelacy; that
is to ſay, *The Government by Arch-Biſhops, Biſhops, their Chancel-
lours, or Commiſſaries, Deans, Deans and Chapters, Arch-deacons,
and all other Eccleſiaſtical Officers depending on that Hierarchy.*
And they propound five Reaſons; two relate unto the Govern-
ment, the third and fifth unto their own capacity, and the fourth
unto the eſtate of the Church; according to this order I ſhall con-
ſider them: And,

Oxford fiſt
and ſecond ex-
ception to the
extirpation of
Prelacy.

1. They tell us, *They are not ſatisfied how they can with
a good conſcience ſwear to extirpate Episcopacy, which
ſay they, we think to be, if not Jure Divino, in the ſtrict ſenſe
by expreſs command, yet of Apoſtolicall inſtitution; that is to
ſay, was eſtabliſhed in the Churches by the Apoſtles, according to
the mind, and after the example of their Maſter, Jeſus Chriſt;
and that by virtue of their ordinary power and authority defi-*

ued

ved from him, as deputed by him Governors of his Church.

Or at least that Episcopal Aristocracy may lay a more just title and claim to a Divine Institution, than Papal Monarchy, Presbyterian Democracy, and Independency by particular Congregations, or gathered Churches.

2. We are assured by the undoubted testimony of Ancient Records, and later History, that this Form of Government hath been continued with such an universal, uninterrupted, unquestioned succession in all the Churches, and in all Kingdoms that have been called Christian, for fifteen hundred years together, that there never was in all that time any considerable opposition against it; that of Arian was the greatest, which grew from discontent, and gain'd him the reputation of an Heretick,

From which antiquity to depart, they fear by this extirpation to give advantage to the Papists by contempt of antiquity; and should diminish the Authority due to the consensient judgment and practice of the universal Church, &c.

Sir, this is a very fair and specious exception; for Divine Institution, and ancient universal practice are very strong bars against any Oath; and strong conjecture of the one, and certain assurance of the other, do forcibly supersede any mans adding to the contrary; yet Sir,

I wonder that these learned men do but think of a Divine Institution, and yet are assured of ancient universal practice, uninterrupted for fifteen hundred year; methinks the last should rather have remained doubtful; for conscience can only be satisfied in the certainty of the former: A think so in a Divine Warrant, is both sinful and dangerous; and I think the universal uninterrupted practice of the Church for fifteen hundred years might well run back unto the times of our Lord and Saviour, and at least the Acts of his Apostles; and the Sacred, as well as Ecclesiastical Story, might make mention of this Government, and so create an undeniable certainty; for the one is a very uncertain ground of assurance without the other: But stay Sir, I forgot the year in which these learned men wrote, it was 1647. and so indeed one hundred and forty years might return before Episcopal Government appeared in the World; and yet they may by ancient Records,
and

and later Histories, find the practice of it fifteen hundred years; but this will more weaken, than strengthen the *Divine Right*; for without doubt, the most primitive and pure estate of the Church, was in the first one hundred and forty years.

Saint Peters
Bondsabide, p.

2, 3.

History of the
Council of
Trent, Edit. 3, p.
591, 592.

2. Their Argument loseth its force, by the ambiguity of their terms; for I am Sir, at the same loss with them, for the *Ratio formalis obiecti*; the thing to be extirpated, as in my last with Dr. Gauden. They tell us of an *Episcopal Government*, and an *Episcopal Aristocracy*, but do not describe it; it is no marvel that the Popes Legates should interdict the dispute in the Council of Trent, concerning the *Divine Right of Episcopal Superiority*; or direct it into such general and uncertain debates, that there might be of it no determination; but Sir, I think it very strange that a Protestant University, professedly seeking satisfaction to their conscience, should so sophistically by general terms of an uncertain acceptation, maintain to themselves doubts to which they desire resolution. They well know Episcopal Government may denominate the Government *Commun Concilio Presbyterorum*, by all Ministers in the Church, who are the very true undoubted *Scriptura-Bishops*; unto which, or whom there may be *ordinis causa*, for method sake, a *Superintendent Moderatour* or Chair-man; and this Episcopal Government is undoubtedly of *Divine Institution*, and ancient practice, prescribed by the Holy Ghost, and propounded in the sacred story of the *Acts of the Apostles*, Chap. 20. 28. where, as in other Scriptures, *Bishops and Presbyters* are terms synonymous, denominating persons invested with the *same Office and Authority*, and enjoying the *same qualifications*, and by common consent ruling the Church of Christ; and then Sir, we must tell them this is not to be endeavoured to be extirpated, nor doth the Covenant so propound it; which if it do, I consent to reject it.

But if by *Episcopal Government*, they mean that special Form and Frame of Government wherein one person is advanced into a distinct order of Ministry above other Ministers, and is invested with Prince-like power over them, enjoying an Authority peculiar to him, eo nomine, as Bishop, of sole Ordination and Jurisdiction, unto whom all other his Fellow-Ministers are Subjects, and must swear to him obedience, who must have a Council denominated, *Deans, Deacons, Prebends, Chapters*, and the

the like, over and among whom he sits as Lord; and yet over him acknowledgeth a more *superiour order* under the title of Arch-bishop, to whom he oweth and sweareth *obedience*; and in this *superiour order*, and lordly manner, he *ruleth* all Pastours and People, sometimes by *himself*, sometimes by his *Chancellor* or *Commissary*, his *Surrogates*, *Deans* and *Arch-deacons*, with all Officers of State and Power within such prefixed bounds and limits, which is called his *peculiar Diocese*; and either they must mean this, or mistake the *meaning of the Covenant*; which yet doth very plainly describe the *Prelacy* to be extirpated, to be a *Government by Arch-bishops, Bishops, their Chancellours, Commissaries, Deans, &c.* And then Sir I must deny, not that they think (for I must believe the profession of *their thoughts*, though I think it strange) but that there is any good ground for such *thoughts*; and the opinion of an University, will not without good demonstration in this point, beget such *thoughts* in me, *That the Apostles by virtue of their ordinary power and authority: derived from Christ, and deputed Governours of his Church, did ever establish this Episcopal Government; or that it was according to the mind, and after the example of Jesus Christ, who himself did never exercise a Pompous and Princely power over his Disciples; but conversed with them as his Peers, and Equals; and gave them in charge, that they should not affect Superiority one over another, or Princely power over Gods Heritage.*

I must put these Masters and Scholars of Oxford, to prove by plain and pregnant Scripture, *That the Office of the Ministry may in Ordination be divided, and only some part of it be there committed; so the Deacons may preach and baptize, but not consecrate the Lords Supper.*

That there are *more orders of the Ministry than one*, the Bishop or Presbyter, or more Officers in the Church, than Elders and Deacons, appointed by Christ or his Apostles by their Apostolical Authority, who have only described their qualification, and directed the Ordination of these two, and no more. That the Presbyter (in whom is required the *same qualification*, to whom is to be yielded the *same obedience, subjection and respect*; who receiveth the *same ordination*, and is charged with the *same duty*, and invested with the *same power of feeding and governing the Church of God*, with the Bishop, and none other.)

The Raising of St. Peters Petters.

other) is in order distinct from, and subject to the Bishop, so to be ruled by him, and not to exercise his Office, but by the Bishops License, and at his pleasure; and that the Presbyter is bound to strict obedience to the Bishop as his Ordinary.

The force of
Prelacy cove-
nant against.

That certain particular Priests or Deacons should be constituted in College or Cathedral Council to the Bishop, to advise with him, and rule under him, by the name of Deans, Deans and Chapters, Archdeacons and Prebends, to Elect the Bishop in vacancy, and hold Courts, constitute Canons, and exercise all Jurisdiction over all Churches and Ministers, not being so much as chosen by them, or having their consent, much less commission so to do.

And That any one Minister or Bishop doth stand charged with all the Congregations and Pastors of them in one County, or many Counties making one Diocese; and be by vertue of office bound to the inspection, and Pastoral Correction and Government of them; and that the several Bishops of a Kingdom be themselves subject to one Metropolitan Church and Arch-bishop, to whom they shall swear obedience, and shall be subject to be by him overseen, ordered and corrected; sure if the Word of God conclude such superiority over the Church in one Kingdom, it will conclude a Catholick superiority over the universal Church, and advance the Pope as warrantably above the Arch-bishops, as the Arch-bishops are above the Bishops, and the Bishops above the Presbyters; for these are not differences of kind, but of degree; nor is there pleaded for Divine Right, or Apostolical Institution of the one in the Church of England, what is not pleaded for the other by the Fathers of the Council of Trent; and by Bellarmine that Cardinal Popes Champion; and who can deny a *quodlibet* and *omnis*, &c.

Bellarmin. de
Clericis. lib. 1.
cap. 14.

Lastly, That Bishops and Ministers of the Gospel may exercise their Office and Function by Vicegerents and Deputies, Commissioned or Chancery; or that by any Apostolical direction they may and have authority to Commissionate any such; or that the determination and disposal of Civil Affairs, Matters of Marriage, and Administrations, belong to them; that they must by themselves, or joining unto themselves, Professours and Students of the Civil Law, keep Courts, on which Proctors, Apparitors, and herlike dependants; and so judicially rule and govern in these cases.

This

This is the Form of Government these learned Casuists must think, is if not of *Divine Right* by immediate precept from God, yet established by the Apostles, according to the mind, and after the example of their Master, Jesus Christ, and that by virtue of their power and authority, as deputed Governours of the Church; or otherwise their thoughts are very vain and impertinent; for not an *Episcopal Government* wherein all the Bishops; Ministers of the Church within any City, Countrey or Kingdom, invested with equal authority and dignity, being all of the same Order, do by Common Council govern the Church; but *this specifical Prelacy*, presuming it self to be an *Hierarchy*, or holy Government, not to be gain-sayed without high profaness; or withstood and destroyed without sacrilege, formally existing in *Arch-bishops*, superiour Princes to Bishops; *Bishops*, Sovereign Lords to all Ministers or Presbyters; and enjoying the standing Cathedral Council, and subordinate Judges, *Deans*, *Arch-deacons*, *Deans and Chapter*, and transmitting their power, and Episcopal authority to *Chancellours and Commissaries*; and so ruling with all state, and pompous attendants; not only the profession of Religion, but *propriety of enjoyments*, is Covenanted to be extirpated. I hope Sir, that these serious men would not cozen their own conscience, and cheat the World; by their observation the Covenant would bind us against *Episcopacy and Bishops in general*; and not take notice how it is limited to one particular kind; and then Sir I must be free to tell them, That the *Divine Right, or Apostolical Institution* of this Episcopal Government, is but a *think so*, of no more value then a dream; for I not only think, but am sure, the libraries of learning, in all that Famous University, will never lay us down this Form of Government in the Church of Ephesus (though I should grant Timothy to have been a Bishop therein) Antioch, Philippi, Crete, or the seven Churches of Asia (supposing their Angels to have been Bishops) in all which I deny not a Government by Bishops, and those made by the Holy Ghost; to whom I will presume to think had I then lived, and been invested with that Ministerial authority I now by Gods grace enjoy, poor, simple I, might have stood up as a Peer, or at least Bishop Suffragan; and if they give not some Scripture instance, I think Ecclesiastical story will never prove the Apostles established this Form of Government in the Church; or at least, not

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by their Apostolical power and authority, as depicted by Christ governors of the Church; and I was sure, not after the example, nor according to the mind of Jesus Christ their Master; it being directly inconsistent with the quality of his Kingdom, and dilated parity of his Ministers.

Sit (with Reverence may I speak it) I think it had been very suitable to the learning and gravity of this learned Assembly, to have laid down in this case of conscience, some clear Reasons for their conjecture of this Divine Right, and Apostolical Institution and Establishment: And the rather, for that Pope Nicholas hath affirmed, *Omnino sine Patriarcha consuevit episcopum, sine Metropolitano primatum, aut Episcopatum Cathedras, vel Ecclesias, sine cujuscumque ordinis dignitatem, instituit Romana Ecclesia*: That Rome appointed all Ecclesiastical Dignities of Bishops, Arch-bishops, Deans, Arch-deacons, &c. And Pope* Lucius and Clement, with whom agreeth Peter Lombard, and our own Historians, That King Lucius instituted three Arch-bishopricks, and twenty five Bishopricks in the room and stead of the three Arch-flamens, and twenty five flamens: And that Devout, the Bishop of Winchester, falling into the seat of the flamen thereof, had all the possessions within twelve Miles compass, containing thirty six Villages, conferred on him and his Clergy: And the Arch-bishops, Bishops and Clergy of England, in their Institution of a Christian man, dedicated to Henry the eighth, have told all the World; It is out of all doubt, that there is no mention made, neither in the Scriptures, neither in the Writings of any antientical Doctor, or Author of the Church being within the time of the Apostles; that Christ did ever make or institute any distinction or difference to be in the pre-eminence of Power, Order, or Jurisdiction between the Apostles themselves, or between the Bishops themselves; but that they were all equal in Power, Authority, and Jurisdiction; and that there is now, and since the time of the Apostles, such difference among the Bishops, it was devised by the antient Fathers of the Primitive Church, for the consecration of good order and unity of the Catholick Church; and that is either by the consent and authority, or else by the permission and suffering of the Princes, and civil power for the time ruling, the said Fathers considering the infinite multitude of Christians so greatly increased, taking examples from the Old Testament, thought

Apud Gratian.
Dist. 22. cap. 1.

* Distinct. 80.
lib. 4. dist. 24.

* Brit. Hist. lib.
4. pag. 106. Po-
lichtro. lib. 4. c.
16. fol. 163.

Pagets Chri-
stianography.
Foze saith 29.
chief Priests,
called Flam-
mens; Acts and
Monuments. p.
96.

Fol. 39. 60.

is expedient to make degrees among Bishops, and to limit their several Dioceses bounds of Jurisdiction and Power: And then Sir, this Form of Government will seem to be more Jewish, Papal Paganish, or at best Political and Civil, than Apostolical; the last of which, the Statutes of our Kingdom do declare it to be, affirming that the Arch-bishops, Bishops, Arch-deacons, and other Ecclesiastical persons have no manner of Jurisdiction Ecclesiastical, but by, under, and from the Kings Royal Majesty; and Patrick Adamson, Arch-bishop of Saint Andrewes in Scotland, Anno 1591. in his Recantation at the Synod at Fiffe, professed sincerely, *ex animo*, That Bishops and Ministers are by the Word of God equal, and the Hierarchy or Superiority of the Bishops, *nulla nititur verbi fundamenta*: And I think it had been but Reason some satisfactory answer had been given to Gersom Bucer his *Dissertationes de Gubernatione Ecclesia*; Didacrius his *Altare Damasconum*; Cantwright's Exceptions; Paul Bains his *Dioecesan Trial*, *Synecyismus*; and especially Mr. William Pryor Publick, and Positive Challenge, in the unbishoping of Timothy and Timm, which I think will be *ad Gracas Calendas*, before the think so of an University had been published as a stumbling Block to the peoples swearing of the Solemn League and Covenant, when thereunto called by Parliament.

But it may be Sir, I run too fast; methinks their think so of Divine Right and Apostolical establishment, is asserted very faintly, and therefore it is restrained and limited with an *Episcopal Aristocracy*, hath a fairer pretention, and may lay a juster title and claim to a Divine Institution, than Papal Monarchy, Presbyterian Democracy or Independens: Yet I must say, fair pretension, and comparative claims are very weak props against Parliamentary Resolves, and the power of an Oath; it must be plain and undeniable Divine Right must stand against them.

But what is that they call *Episcopal Aristocracy*; Are not these learned men mistaken in their terms? hath not Englands *Episcopacy* been ever deemed a Monarchy? and of the same kind, but lower degree with Papacy! How can it be conformable to the Government of the Nation, which these very men tell us, is *Aerum Imperium*, an Empire, Monarchy. 11. and establish that Maxim, *no Bishop, no King*, if it be an Aristocracy! Who ever deemed Presbytery a Democracy? Or on what colourable ground can

it be so deemed? doth not this Form fix the Government in the *seniores and illustrior pars populi*: The Officers of the Church ordering all, and ruling the whole Church, excluding the Congregation from all Acts of Government; save a *showing their just exception to any Order, Office, or Censure*: If Presbytery be a Democracy, what can Independency be judged? I find these learned men by the nicety of this distinction, at a loss for its name, as well they might, and so I shall leave it, and suppose a willingness in the University of Oxford to assent to Doctor Whitakers Thesis, That *Regimen Ecclesie non est Monarchicum, nec Aristocraticum, nec Democraticum, sed Democratica Monarchica Aristocrata*; That the Government of the Church is a Formal Aristocracy, qualified with something of Monarchy, which he means not to be the superiority of Prelates, and Democracy; by which is not meant the ruling power of the people, let but this learned Doctor explain himself, and Mr. Thomas Cartwright expound, nay, translate his words; and we shall find a Government which will lay a very fair claim unto a Divine Right, *Si velimus Christum ipsum respicere, fuit semper Ecclesia Regimen Monarchicum; si Ecclesia Presbyteros, qui in Doctrina & Disciplina suas partes agitant Aristocraticum; si totum corpus Ecclesie quatenus in Electione Episcoporum & Presbyterorum, suffragia ferbat; ita tamen ut nunquam, semper Presbyteris servaretur Democraticum*; which Cartwright thus renders, *The Church is governed with that kind of Government, the Philosophers have affirmed to be the best; for in respect of Christ the head (not his Vicar or Superiority of single Prelates) it is a Monarchy; in respect of the Ancients and Pastours that govern in common; (all the Presbytery) with like Authority amongst themselves (not a Superiority over them) it is an Aristocracy; and in respect the people are not excluded, but have their interest (unto exception) in Church-matters, it is a Democracy*: If then these men will take down the tawring power of Prelates, and turn their Magisterial Throne into a Ministerial Chair; and bring into the Cathedral Council of Deans and Chapters, all the Presbyters, and let these lofty persons stand amongst their Fellows, till by common consent, for common order one of them be set in the Chair to gather Suffrages, regulate the Assembly, declare their sentence, and see to the execution of their Decrees, and summon them together,

Whitak. oper.
Tom. 2. de Rom.
Pont. Quest.
2a. de Origin.
Eccles.
Cartwrights
first Reply to
Whitakers gift.
Page 35.

gether, they shall constitute a Government, which *I think* will not only *fairly pretend unto*, but plainly appear to have an *Apostolical Institution and Establishment*; and there are very many, both ancient and moderate Authours of my opinion; and then we need no more dispute the matter of extirpation of Prelacy; for in this sense the Covenant will rather establish it.

Their *think so* of Divine Right runs into an assurance of universal uninterrupted succession of this Form of Government in all Kingdoms that have been called Christian, for fifteen hundred years together, without any considerable opposition, save that of Acrius, which sprang from discontent, and gain'd him the reputation of an Heretick.

This is Sir, the old, only, and usual guard of Prelacy; I will not deny Antiquity its due Reverence, though I put not on it, nor consent unto it an Authority equal with, or as the Papists idolize it, above the Scriptures. I confess in matters of Fact, it may give a clearer conviction, than direction, and assert things past done, rather than that they should be done. and continue.

The Antiquity
of Englands
Prelacy ob-
served.

It is well if their certain assurance in matter of Fact, be any better bottomed, than their *think so*, in point of Divine Right. I know not what might be their *undoubted testimony* of ancient Records, and later Histories, for they mention none; and therein their faith must be unto themselves; but by such Ancient or Modern Histories as I have observed, it is very difficult to find this Form of Government. (which must relate unto that to be extirpated by the Covenant, or else it is vain) to have been either universal, or uninterrupted in all Kingdoms that have been called Christian, for half fifteen hundred years; for if they account backward from the time of their writing, they will find a violent interruption, and indeed extirpation of this Form of Government by Christian the King of Denmark, in the year 1537. as contrary to Chr. st. his institution; and then they will lose more than one of their fifteen hundred years without interruption, and that in a Kingdom call'd Christian; and this Sir was to sense, whatever it was to reason, a more considerable opposition than that of Acrius; not to mention the interruptions and extirpation in Scotland; which I presume may be to them of little weight, that people in their eye scarce appearing Christian.

And

And if they will account forward from the Nativity of our Lord, their fifteen hundred years of universal, uninterrupted, Episcopal Government by Arch-bishops, Bishops, Deans, Deans and Chapters, will rise very heavily; for let it be considered, that the division and distribution of Churches into Parishes and Dioceses, came not into the World for more than two hundred and sixty years; and untill that time, small Towns and Villages had their Bishops, and all Bishops were before and after that chosen by the people, not by their Princes; and so long there could be no Metropolitan, Archbishopial seat, nor Cathedral Episcopal Diocess: And will they give an Irishman leave to tell them, that Saint Patrick sent into Ireland by Eleutherius, more than two hundred years after Christ, did consecrate as many Bishops, as he did constitute Churches in that Kingdom, three hundred and sixty five of each? and that from his time, to the coming in of Johannes Pappus, the Popes Legate, Anno 1152. there were no Arch-bishopricks in that Kingdom, and yet it was called Christian; and if the instance may not offend them, I would mind them, that Bishop Usher, the late Primate of Armagh, in his Treatise, *De Primordiis Ecclesiarum Britannicarum*, pag. 800. doth affirm out of John Major, *De Gestis Scotorum*, That in ancient times, the Scots were instructed in the Christian Faith by the Priests and Monks, and had no Bishops, before the coming of

Polladius into their Country; and after that Polladius made Bishops, they had no Diocess, untill Malcolm, the third King of Scotland; but every Bishop did exercise his Episcopal Function wherever he came; who citeth also John Fordon, *Scotichronicon*: lib. 3. cap. 8. on the same account; so that then we shall not find this Form of Government by Diocesan Bishops, Cathedral Churches, and by Arch-bishops, to have been received in some Kingdoms half fifteen hundred years; and what, then becomes of the assurance of these learned men?

Moreover, though the opposition of Aerius seem in their eye an inconsiderable one, yet it is such as stated a principle, which being once admitted (as it cannot be denied) and obtained but liberty to be improved to the direction of the Government to be practised,

Polid. Virg. In-
vens. l. 4. f. 9.

*Archiepiscopi vix in Hibernia nulli fuerant; sed tantum se invicem Episcopi consecrabant donec Johannes Pappus Romanus Iohis legatus advenit. His athena Polid. in Hiberniam per-
tavit.*

Girald. Camb. Topograph. Hiber. dist. 3. cap. 17. Vid. The Religion professed by the Ancient Irish in an Epistle to the late Primate Usher, by Sir Christopher Siphthorpe, Knight pag. 58.

praised, will subvert the foundation, and pull down the superiority of Arch-bishops, Bishops, Deans, and the like; for if all Ministers, Presbyters and Bishops be of the same order, office and authority; we cannot but infer, Who are ye that advance your selves in the house of God, and Lord it over your Brethren, and Gods heritage? and notwithstanding that this principle be clouded by the occasion on which it was divulged by him, the means discontent; we must say that Discontent is a better Dictator than Judge; and God knoweth how to make mens grudges grind out the knowledge of his truth, mind and will; I hope it will be deemed but a poor defence of the Popes Supremacy in England, to say that King Henry the eighth in a discontented humour did cast it off, and was for it excommunicated; and here the Reason is the same; a great noise is made, and advantage taken, that *Aerius* was reputed an Heretick, for affirming the parity of Presbyters with Bishops; and yet Sir, it would be well noted by whom, and by what authority he was branded as an Heretick; it was not by any Council, or Primitive Fathers; but by one only man, *Epiphanius*, though to be Reverenced in the Church; yet by this administrators little cause of regard: I think many in Oxford will be loth to have Arminian notions (more opposite to the grace of God, than *Aerius* notions to good order) publicly damned as Heresie, which yet were condemned by the Synod of Dort; and though that were not a general Council, it wins more Authority than the censure of *Epiphanius*; Saint *Augustine* therefore repeating the opinion of *Aerius*, as recited by *Epiphanius*, doth more modestly denominate it, *Proprium Dogma*; and others repeating the Heresies of *Aerius*, make no mention of this among them; nor indeed was there Reason, if in the Council of *Trent*, *Michael* of *Medina* were deservedly chiden, for saying, *Hierom* and *Austin* fell into the Heresie of *Aerius*, and affirmed the degree of a Bishop, was no greater than the degree of a Priest: I hope that is not Heresie in *Aerius*, which is Orthodox in *Austin*, *Jerom*, and others; truly Sir I think the ingenuity of the Masters and Scholars of Oxford, might have led them to have considered, and indeed publicly contradicted*, the Catalogue of testimonies in all Ages, evidencing Bishops and Presbyters to be one equat, and the same in Jurisdiction, Dignity, Order and Degree; whereby in five several Squadrons, Christ and his Apostles, *Ignatius*,

August. de heres. libm. cap. 33.

History of the Council of *Trent*, p. 591.

Collected by Mr. William Pryne, as an Appendix to his unbiash'd ing Timothy and Titus.

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Ignatius, Policarpus, Anacletus, Justin Martyr, and many of the Ancient Fathers; Peter Lombard, Gratian, Hugo Cardinalis, and many other Canonists and Schoolmen; the Waldenses, Alphonsus, Castro, Gersomus Bucer, and a multitude of Forraign Divines and Churches; our own, Seadulus, Anselme, Beda, Occham, Fulk, Fuet, Reynolds, Whitaker, and almost who not, in every place and age, are produced, as thinking the same thing, which in Aeriuz is called Heresie; for certainly so general a consent to a conclusion so weighty, is a very considerable opposition directly repugnant to their confidence of an universal uninterrupted exercise of this Form of Government; for now had Epiphanius more warrantably, and on better grounds called this an Heresie, I should not much regard it; nor will their assurance on this Argument avail, to establish this kind of Prelacy, or to anticipate the promise on Oath of a due endeavour to extirpate it.

We see Sir there is nothing of weight in the Government, either on the supposed Apostolical Institution, or ancient universal uninterrupted practice, that could bar from taking, much less bind unto the breaking of this second Article of the Solemn League and Covenant; let us consider what is in the state of the Church of England, which may bind the perpetuation of this Government, or be of force to bar the extirpation thereof; and that in their fourth exception to this Article, wherein they tell us:

Oxford fourth
exception to
the second Ar-
ticle of the Co-
venant.

In respect of the Church of England, they cannot swear to extirpate this Government, for three Reasons.

1. *The inconveniencies which attend all Change in Government; and in this is like to be great, it being deeply rooted in the Laws, and of strong influence on the Civil State.*
2. *Repugnant to the Declaration of the Commons in Parliament.*
3. *And a striking at the foundation of this Famous Church of England.*

Unto all which I cannot but briefly say, That the two first seem in my thoughts very little to respect the Church; for the alteration which might ensue in the Civil State, might consist with, and conduce unto the being, and well-being of the Church; and

and the declared purposes of the House of Commons might be contradicted without any great reflexion on the Church.

2. *Jealousies of inconvenient effects, must not intercept a duty*; These effects may be accidental, the duty positive; and it is the prudence of *Legislators* to fore-see, and prepare against such inconveniences, as may happen on the alteration of *Lawes*, and *Forms of Government*; I question how far the care thereof lieth on private persons or societies: And if these jealousies were of weight for continuation of *Episcopacy* now, why not at the destruction of *Monasteries* and *Abbies*, and exclusion of the *Popes Supremacy*? (which was the root, to which *Prelacy* is but a Branch since continued) in conjunction with, and influence on the *Civil state*, by *Magna Charta*, the grant of the glorious King *Saint Edward*, and most of the ancient *Lawes* from which this Government doth at this day draw its sap and strength.

3. The Declaration of Parliament pleaded as a Bar to this extirpation, doth offer Reasons for its alterations, which I think are of weight; (*viz.*) its strenuous study and endeavour to effect a conjunction between *Papists and Protestants, in Doctrine, Discipline and Worship*, being before agreed in judgment: its *Tyrannical imposing a Liturgy on Scotland*, and enforcing it after an happy pacification by his late Serene Majesty, with the *Bellum Episcopale*; its violence and cruelty to Religion, and Religious men, in the *Star Chamber*, and *High Commission Courts*; and what themselves observe, its influence on the *Civil State*, which made it is *Prelacy* odious in all Ages, and was a very likely provocation to its extirpation in *England*, as in *Denmark*; and if they will but please to consider, that sinful superiority over the *Ministers of the Gospel*, which is the *anima animans*, very form of it, and cannot be capable of any remedy, but by its ruine; all which having been published in print, by many *Petitions* to, *Speeches* in, and *Declarations* from the *Parliament*, might have offered Reasons for the extirpation to counterpoise, nay, weigh down all feared inconveniencies which might arise, had these learned men pleased to have observed them; so that if the House of Commons did any way declare the continuance of it, it was from their indulgence and willingness by all fair means, if possible, to regulate it, rather than any merit of the Government it self.

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4. But the supposed repugnancy of this branch of the Covenant, unto the *Declaration of the House of Commons*, is not to me so visible; these Gentlemen refer us unto the Remonstrance of December the fifth, 1641. and tell us, That the House of Commons Remonstrated, that it was far from their purpose or desire, to abolish the Church-government, but rather that all the Members of the Church of England should be regulated by such Rules of Order and Discipline, as are established by Parliament: Which words, by the variation of the character I imagined, to be the words of the Remonstrance; but on search; and second reading of the Remonstrance, I find no such sentence in the same; some parts of the sentence in the Remonstrance, themselves have transcribed in the Margin. and it is this, *They infuse into the people, that we mean to abolish all Church-government*; which Text will not justify or allow their inference; for it proclaims not the Parliaments purpose, but Malignants policy; not that it was far from their purpose or desire to extirpate this kind of Government; but that the malice of their enemies did infuse they would abolish all Government: Surely Sir, prejudice was very prevalent in these learned men of Oxford, which made them read instead of a complaint of grievance, a Declaration of purpose; and from the complaints of a general charge, to intend to abolish all Government, to infer a purpose of preservation of this specifical Government, as if all Government were included in it; had they pleased to have read the whole sentence, they would have seen that the words were much more general, *abolish all Government; and leave every man to his own fancy, for the service and worship of God*; which they might not do, and yet extirpate the Prelacy, and late Episcopal Government of England; no marvel that this mistake makes them imagine, and insert into the Reason, a rather that all the Members should be regulated, &c. which desire is not therein expressed, but only a profession of their knowledge, That His Majesty was under God entrusted with the Ecclesiastical Law, to regulate all the Members of the Church of England by such Rules of Order and Discipline, as are established by Parliament: I think Sir, a profession of his Majesties Prerogative, is vastly different from a Parliamentary proportioning of the Prelates prebeminence; and the Kings Supremacy may be acknowledged, when the Bishops are degraded, and set among
their

their proper Peers : And now Sir, this *repugnancy* between the Covenanted extirpation, and Parliaments purpose of perpetuation, appeareth a *think so*, of like nature with the *Apostolical Institution* of this Episcopacy ; and it would be enquired whether it be more *malignity* to suggest to the people a *purpose* in the Parliament by *them* never declared, and so make them obnoxious to the charge of *self-contradiction*, or infuse into the people the *verity* and plainness of their meaning, not to *abolish all Government*, but to *extirpate this kind*, which through the whole Remonstrance they had declared to be so oppressive and dangerous ; if they will evade the *influence, compass and danger* of the fourth Article of this Covenant in the *first case*, I dare secure them from it in reference to the *second*.

5. But the main thing which concerneth the Church of England, is her foundation ; which if it be removed, what shall the Righteous do ? And these serious Casuists do tell us, That the holy Church of England was founded in the state of *Prelacy*, within the Realm of England, and they proved it by the Law ; (for Gospel without doubt they had none to prove it, that laying the Prophets and Apostles for the foundation, and Christ (an enemy to Prelacy) the corner stone) and in their Margin they cite the Statute of *Carlisle*, 25. Ed. 1. Recited 25. Ed. 3. on which they profess, *They dare not by extirpation of Prelacy, strike at the foundation of the Church, which they are bound to uphold*.

Truly Sir, their care of the Church, and its foundation is commendable ; but how comes it to pass that this Form of Government must be made the foundation of the Church, without any danger of Schisme by them, to whom Scotlands making their Discipline and Government the mark of a true Church, did seem so much tending to Schisme ? Must the Government of England be a fundamental point of Religion, the very esse of the Church ? and may not Scotland make her Government a note of distinction ? *Turpe est dolari*, &c. Sir, we cannot deny the proofs cited, and declaring the holy Church of England to be founded in the estate of Prelacy ; but I cannot but stand amazed to find men making Apologies, propounding doubts, professing a serious desire to have conscience satisfied ; so much to content themselves, and cozen their Readers with plain fallacies : such

Sophisme as bitter besee ns the *L. gick*, than *Divinity* Schools; and common *Halls*, than the *Régus hon's*.

Two things are to be explained. What they mean by *holy Church*? and what *foundation* this is, to which these Statutes relate?

These learned men well know, that by *holy Church*, in the acceptation of that *A. c.* and of those very *Acts*, the Statute of *Edward* the first at *Carlisle*, and the Statute of *Edward* the third, was meant the Pompous, Popish Ecclesiastical State, whereof Abbies and Pories were no small Members, as in *Magna Charta*, and other Grants of Kings, which had then such influence on the Civil State, as that no Act of Parliament could bind, or be deemed valid, without the *ratifying censure of holy Church*; whose manner was by her authority, to curse all that should not keep such Laws as were agreed; I wish the Masters and Scholars would speak out, and tell us, whether they think they are bound to uphold this *holy Church*? or that the Church of Christ may not, yea, do not subsist in *England*, now *holy Church* is driven out; the Church simply Christian, is very different from the *pompous popish, holy Church*.

Foxe, his Acts
and Monu-
ments, p. 322.

Again Sir, the *foundation* mentioned in these Statutes, is futable to the Fabrick, *holy Churches*; viz. the temporal endowments whereby she was made so pompous; the *Lands, Mannors, and large Revenues* given by the King, or Nobles of the Land, as the question occasioning the same, doth plainly evidence; which was, Whether the *exactions of the first fruits of Churches and Abbies, and all Benefices in England, and the profits of vacancies by Pope Clement*, were just? and as the very words and scope of the Statute of 25. *Edward 3d.* doth plainly declare; providing for the advouance, and disposal of all Benefices, and the profits thereof, in manner as the *founders*, that is, *first donors* had established; and so the Prelacy, in which it was founded, is an *Independency as to Rome*, and a sole Power and Prerogative which *England* had free, and within herself, in respect of which, in the very words of the Statutes themselves, it is said, *The Bishop of Rome usurping the Signiores of such Possessions and Benefices, doth give and grant the same to Aliens, which did not, and Cardinals which might not dwell in England; as if he had been Ruror or Advome of the said Benefices, as he was not of right* after

after the Law of England; so that this Prelacy is purely Political, and the foundation more profitable than pious; could these learned men be so absurd, as to make the very being of the Church to stand on such a foundation? were there not Churches of Christ before Parsons, Possessions and Presentations? and may they not be when these large endowments are taken away from the places to which they are affixed? This Prelacy will determine the Church of England by the Fall of Monasteries to have been shaken in the foundation; and by vertue of this Political Prelacy, the Kings of England have given the possessions of Bishops to their Chancellours, Treasurers, Secretaries, Kinmen, meer Lay-persons for increase of their means, and have kept the Episcopal and Archiepiscopal Sees void, for 2, 3, 4, 5, 6, 7, 10, 15, 20, and sometimes 30. years together; by what loadstone do these learned men think the holy Church did subsist, when her Prelates her foundation in their sense was wanting? or can they make us believe Denmark or Scotland have lost, or the Reformed Churches never had the being of a Church of Christ, because they never had or have expelled their Episcopal Prelacy? Ecclesiastical Prelacy (like the Petra and Rupee, as in the time of King Henry the third) have ever been such swelling foundations to the Church, and in the State, that they have constrained the Kings and Parliaments of England, as of all other Nations, in all Ages, to exercise an high Prelacy over them by strict Laws and severe exactions to keep them within their bounds; and at last to Covenant the extirpation thereof; wherein the Oxford Reasons would make us believe, we not only pull an old house about our ears, but destroy the very Church; if we have not wit enough to see how they would coven us by the Law of man, instead of the Law of God, and a false gloss on fair words.

Pyms Catalogue of Testimonies for the parity of Presbyters and Bishops. p. 1617, 18.

Having found so little weight in what is urged from the Government by Episcopacy, or the estate of the Church of England, we shall not expect much in what is incumbent upon themselves, against their Covenanting to endeavour to extirpate this kind of Government; yet that little we shall consider, and it relates unto their personal capacities in their third exception, or more publick Obligations in their fifth exception.

In reference to their personal capacities, they say, *They are not satisfied how it can stand with justice, ingenuity or humani-*

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Oxford Reasons, third exception against extirpation of Prelacy.

ty, to require the extirpation of this Government, unless it had been proved unlawful; what Sir, if it had been proved inexpedient? it would have been consistent with Saint Pauls Justice, Humanity and Ingenuity; for to him, All things might be lawful, but were not expedient, was a Rule; but their Reasons might restrain these learned men, and they are five in number.

1. They had by subscribing the 39. Articles testified their approbation of that government.
2. Received orders from their hands.
3. Petitioned the continuance thereof.
4. Held their Livelihood under such titles, and in the exercise of that Government, or some part thereof.
5. Had sworn as Members of such societies to preserve the immunities, liberties and profits of the same.

Unto all which I shall say very briefly:

1. It is worth their enquiry, whether they subscribed the 39. Articles judiciously and judicially, and so gave their approbation to this Government; we grant, that in the 39. Articles commonly published, there is one (*viz.*) the 36, which relateth to the Book of Consecration of Bishops and Arch-bishops, &c. But that it affirmeth that Book to contain in it nothing contrary to the Word of God, I find not, in either the Latine or English Copy of these Articles which I have seen; these learned men sure read these Articles with the Parliaments Remonstrance before mentioned, and so mistread them both; but suppose the Article had so affirmed, it had laid no bar to the alteration, or extirpation of this Government; for it might be (as indeed all our Statutes do suggest) a meer Political, Civil constitution, and so (though an *Adiaphoron*) not contrary any more than consonant to the Word of God, and alterable at the pleasure of Englands Parliaments; and then Sir with whatever judgment these Gentlemen subscribed this Article, I am sure there is not much in pleading it as a Bar to the duty enjoyned by Parliament.

Yet I must confess I am not satisfied that the Books of ordering Priests and Deacons, and Consecration of Bishops and Arch-bishops, did contain in them nothing contrary to the Word of God;

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for I not be iere, nor is it evident to me by holy Scriptures, or ancient Authours, that from the Apostles times there hath been these orders of Ministers in Christs Church, Bishops, Priests and Deacons; for I find no Priests in the New Testament; and conceive Presbyters and Bishops to be no more than different denominations of the same order; and make not different orders any more than Pastours, Teachers, Stewards, Angels, Stars, and the like; and if there were these orders, yet it is I think contrary to the Word of God, to add a fourth, Arch-bishops; and if they be not an order, how come they to have the same consecration with Bishops (a contended for order of the Ministry) and how come Bishops to swear unto them obedience? neither the one, nor the other is common to a gradual preheminence; the Speaker of the Parliament, or Lord Chief Justice, hath no such like Solemnity.

I question whether the word will allow an Ordination to some part of the Ministry, and give Authority to apply one Sacrament or Seal of the Covenant, and not the other; nor am I clear the Deacons Office doth at all consist in Ministry, of Word and Baptism, and assistance at the Communion; the Scripture specially points them to the poor, and to serve Tables.

I question whether mute service in a publick solemn Assembly be not contrary to the Word of God; where all, as well prayer as preaching ought to tend to Edification.

I question whether a Magisterial and Authoritative giving the Holy Ghost (peculiar to Christ, who did it in reality) be not contrary to the Word of God? or according to the words of the Article, *Superstitious and ungodly.*

And whether Ministers swearing Canonical obedience to the Bishop, or Bishops to the Arch-bishops, be not plainly Papal and ungodly?

If these learned men considered, and were convinced of the consonancy of these, and the like things with the Word, I hope they subscribed this Article judiciously; yet I must enquire how judiciously? I imagine the Statute of Queen Elizabeth will not be produced as their warrant for subscription to this Article; for the Articles thereby enjoyned, do only concern the confession of the true Christian Faith; and Doctrine of the Sacraments; and this particule only, is exclusive to Discipline and Government, which by

13. Eliz. 12.

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by the whole current of our Laws are concluded to be Political in their nature, & only Ecclesiastical *ratione objecti*, and at the pleasure of the Magistrate; and therefore could not be made an Article of the *same Christian Faith*; I hope such as leave this Article out of their Creed, shall not be shut out of the Christian Church.

Now Sir, were there any force in this exception to the Covenant, I would advise that subscription to be taken into second thoughts; yet it is as ponderous as the next.

They received Orders from their hands, and should ill requite them for laying their hands on them, to lay to their hands to root them up, and cannot tell for what.

That they should root them up who had laid their hands on them, was not required; they might continue *Men, Ministers*; it is like *better Christians, and more painful Preachers*, when they were not *Bishops*; I hope *Prelates* and *Prelacy* were not inseparable; that the one must be ruined in the removal of the other; and our question is of the thing, not person; in which degradation was the worst they could do them; who had they been affected with the dream of *Richard Hausering Arch-bishop of Dublin*, "That a certain Monster, heavier than the whole

The Annals
of Ireland in
Cambd. Britan.
pag. 169.

World, stood eminently aloft upon his breast, from the weight whereof he chose rather to be delivered, than alone to have all the goods of the World; when he waked, he thought this was nothing but the Bishoprick of *Dublin*, and so forthwith renounced it. Or had they enjoyed the spirit of *Antoninus, Elected Arch-bishop of Florence*, "who refused (on fear of hazard- ing his salvation) to accept it; and when thundred into it by the counsel of his friends, frowns of the Magistrates, and the Popes Bull, kept only eight persons, no stately furniture in his house, no Coach and Horses, and kept his usual method of devotion in his Family, saying, *They should do him a special favour to thrust him from his Bishoprick, wherein he continued with very great Regret.* They would acknowledge a kindness done unto them; and yet were it an unkindness, these Gentlemen were acquitted from the ingratitude; they have petitioned their continuance, and were not able to withstand the pleasure of their Superiours, on whose pleasure their whole enjoyments did depend;

depend; nor had they been without Parallel (if not a plea of Justice) "For the Arch-bishops, and Bishops of England (Re-
"chester excepted) in the time of Henry the eighth, had vo-
"luntarily (without the command of King or Parliament)
"sworn to root up the Pope (the Apex of this Episcopacy) from
whom they had received their Palls, Properties, Power; I had
almost said Papacy.

Font, his Acts
and Monu-
ments. p. 564.
565, 566, 567.

Their third Reason I pass as an expression of their affection,
only wishing it may have its dependance on right Reason; yet
confess petitioning is every mans liberty.

And for the fourth and fifth.

*That they held their livelihoods by such titles, and were
sworn to preserve the immunities, liberties, and profits of the
same.*

I only say they held them at the pleasure of the Parliament,
whose power is over the enjoyments of all persons, and publick,
(much more particular) societies, against whose Laws, no Domestick
Laws or Oaths could bind; and so their plea in this, amounts to no
more than what might be said for the *Monasteries and Abbies*,
(which I presume they will not say were wickedly demolished)
unless they prove *Arch-bishops, Bishops, Deans, Deans and Cha-
ppers*, to be built on a better foundation, which I would not advise
them to seek in the Statute of *Carlisle*, repeated in the 25. *Edw.*
3d. in which they are conjoynded.

Their fifth exception is,

*In respect of their Obligation by Oath and Duty to the Oxford Rea-
King, and therein their dissatisfaction doth arise from the
Oath of Supremacy;
Coronation Oath;
The benefit this Government brings unto the Kings Honour and
Estate;*

sions, fifth Ex-
ception to the
2d. Article of
the Covenant.

*The agreeableness of this Government to the Civil Constitution of
the Kingdom.*

Unto which I answer briefly,

That the Oath of Supremacy doth acknowledge the King to
be the only Supreme Governour in all Ecclesiastical Causes, and
over

over all Ecclesiastical persons; and that by the Oath of Supremacy, and the protestation of the fifth of May, they and we were bound to maintain the King's Honour and Estate, and Jurisdiction, we freely grant; but in swearing to endeavour the extirpation of this Government by Arch-bishops, Bishops, &c. I see not the danger of disloyalty or injury to the King, or double perjury to our selves, or contradiction to the Parliaments declared and professed knowledge, that the King is entrusted with the Ecclesiastical Laws as well as Temporal; and therefore with the nature of the Kings Supremacy may be well considered.

That the King is Supream Head and Governour of the Subjects, distributively or particularly considered, no sober man will deny; or that he is the Supream and Topmost Branch and Apex of all that Honour, Power and Authority, with which the Collective Body of the Nation, the three Estates in Parliament Assembled (in respect of which the Lords and Commons, *Methodiet Majestatis Causa*, apply themselves unto Him under the Title of *Our Sovereign Lord*) no Regular man will deny; and that he is Supream in all Exhibition and Administration of Justice, so that the Judges are by and from Him, and in His Name and Authority; and so all Submission, Honour and Acquiescency in Judicial Proceedings is to Him, no good Statist or Civilian will deny; and that He is Supream Head and Governour in things Spiritual and Ecclesiastical (*Ratione objecti, or circa Ecclesiam*) the Executive Administration about, not in the Church, within His Dominions, in opposition to all Papal and Forraign Power, no Free-born Subject, Good Christian, or Protestant will deny; but that He is so Supream, as to have in Himself sole Legislation to the Church in things Political, but belonging to the Church; such as is the publick National profession of Christian Faith, in such a Form and Method of Articles; such a National uniform and publick method and order of worship, and such a National Discipline and Government of all the Churches within His Realm; so as that the People in Parliament Assembled, may not debate, consult, conclude concerning them; and *sedente Parlamento*, put in execution by present *supersedes* of former Acts, and by present Votes and Orders of Restriction and Regulation, as in other Affairs of the Nation, I think no Loyal Subject, Wise Politician, Good Statesman, or True-born Englishman will affirm;

firm; for that the Supremacy of the King is affixed by the power of Parliament; and in all Writs of Summons they are called to consult the ardent Affairs of the Church, no less than of the Civil State; and the thirty nine Articles, Form of Common Prayer, and the Government of the Church, lay claim to Acts of Parliament for their Civil Sanction; and the Parliament, in the Remonstrance of December, 1641. owned and cited by these learned men, do declare the King entrusted with the Ecclesiastical Law, to regulate all the Members of the Church of England by such Rules of Order and Discipline as are established by Parliament; and the very Statute enjoining the Oath of Supremacy, and the Admonition of Queen Elizabeth, in Her Injunctions appointed by Statute to be the Exposition thereof, doth oppose the King to the Pope, and * Forraign power, not to the Parliament; and makes Him the executor of all Jurisdiction, Superiority and Prebeminences by any Ecclesiastical power or authority which heretofore hath been, and may be lawfully exercised; which was alwayes directed by power of the Parliament of England: And I remember the Lord Chief Baron Bridgeman, in his late learned Speech, concerning the Kings Supremacy unto the late condemned Traytors at the Old Baily, did declare the King to be Supream; that is, beyond the Coercive power of His People; but not to have the Legislative power in His own Breast, so as to Rule at His own Will; and the known Estate of England is to be Ruled (and the Coronation Oath binds the King accordingly) in all Ecclesiastical and Civil Affairs by such Lawes, quas populus elegerit, as the people shall choose; so that His Majesties Supremacy is not denied, when His Prerogative amplified by the Statute of 1. Elizabetha, Ca. 1. is contracted and abridged by the Statute of Caroli, 17. Or when the Parliament do see good by their Votes, Resolves, Orders, or imposed Oaths, to alter or extirpate the Government which the King was empowered to execute and administer; His Supremacy being purely executive, and that subject to the Legislation of Parliament; upon which account the Peoples Oath of maintaining the Honour, Estate, and Jurisdiction of the King, may be voided as to this and that particular mode and thing; and yet the Parliament not take upon them to absolve the People from that obedience they owe under God unto the King; nor is the limitation of the exercise of Supremacy,

* That is to say, under God to have the Sovereignty and Rule over all manner of persons, born within Her Majesties Dominions or Countries, of what Estate soever, Ecclesiastical or Temporal, so as no Forraign power shall, or ought to have any superiority over them. Admon. Enacted to expound the Oath of Supremacy, quinto Elizab. primo,

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as to this or that particular, and in this or that *species* inconsistent with, or destructive to the Kings *Supremacy* rightly understood.

And on these Considerations let it be observed that the Kings Coronation Oath to grant, keep, and confirm the *Laws, Customs, and Franchises* granted to the Clergy, by the glorious King Saint Edward; and preserve to the Bishops their Churches all *Canonical privileges, &c.* which these learned men do cite, is limited unto the *Laws of the Land*, which the People in Parliament assembled shall choose; according to which the King is bound to Rule; for otherwise this Coronation Oath will not only bind the perpetuation of this Government by *Prelacy*; but also to the *Restitution* of the Abbies and Monasteries demolished, and the *Popes Supremacy* expelled; all which were granted to the Clergy by the glorious King St. Edward.

2. But admit we these learned men the sense they seem to put upon the *Kings Supremacy*; methinks the modest expressions of the Covenant might have anticipated this exception, it only binding us *within our Places and Callings* (which might be by *bumble advice and supplication to the King*, by vertue of His *supream Authority* to effect it) to endeavour the extirpation of this *Prelacy*; that is, the Government by *Arch-bishops, Bishops, Deans, Deans and Chapters*, and the like; but such was their affection to it, that they could not desire; nay, they could not but beg of God that he would not suffer the King to assent thereunto; which affection we must not think to abate, untill their judgements be better inform'd.

3. As to the benefit which did redound to the Crown by the Collation of *Bishopricks and Deanaries*, by their first fruits, and yearly *tithes*, and profits in *vacancies*; though some question the Kings propriety, not in respect of the *Law of the Land*, but of the *Law of God*; I shall not insist on that; only say, That the constant enjoyment of the full possessions of them, will make a much greater revenue, and maintain to the King a greater Honour and Estate, than the first fruits, tithes and profits of *vacancies*, although such vacancies as the Kings of England have by vertue of this Argument continued for the space of 5, 10, 15, 20. or sometimes thirty years together, taking the profits to themselves, or bestowing them on their attendants; and undoubtedly there is the

the same capacity to *extirpate the whole Government*, as some Episcopal Sees; and to enlarge the Revenues of the Crown by the Reversion of all the profits of this Government, and the abolishment thereof, as to continue so long vacancies; moreover, I would desire to know what is in this Argument more prevalent for Arch-bishops, Bishops, and their Cathedral Churches, than for Abbots and Priors their Monasteries and Houses.

4. As to the agreeableness of this Government in the Church to the Civil constitution of the Kingdom; I only say that I question whether the Lord Christ, who declared his Kingdom not to be of this World, will allow, or do appoint the Governments of the World to be the square of Government in his Church; and I confess I can hardly reconcile it to his *Regal Power, and Faithful Administration in his House*; and I must have a better Comment on the Text than I have yet met withall, if it be not prohibited in these terms: *The Princes of the Gentiles exercise dominion over them, and they are great, and exercise authority upon them, but it shall not be so among you; but whosoever will be great among you, let him be your Minister; and whosoever will be Chief among you, let him be your servant*, Matth. 20. 25, 26, 27. Mark 10. 42, 43, 44. Luke 22. 23, 24. The sense whereof made Pope Gregory write himself *Servus Servorum Dei*; Whitehead, and others, refuse; Coverdale, and many others, decline their Bishopricks, as having in them *aliquid commune cum Antichristo*; I think the Clown his question to the Bishop of Cullen, were worth considering, *What will become of the Bishops, when the Dukes be damned?*

Yet the agreeableness of Prelacy with England's ill Government, hath not been so obvious to others, as these Gentlemen suppose; the vigilant eye, and strong hand, wherewith in all Ages it hath been restrained; these *Petra and Rupes*, *Winchester and Rivallis* in the time of King Henry the 3d, were judged very dangerous, when they constrained a Covenant without and against the Kings consent, to remove them as evil Counsellours. *Matthem Paris* our old Historian, "notes Bishops to have ever been
" the *Make-bates* between the King and People, screwing up the
" Kings Prerogative beyond the constitutions of the Kingdom,
" and liberties, yea, safety of the Subjects; and chargeth all the
" Wars, Broiles, Mischiefs and Evils of the Barons Wars, to have
" sprung

The Fastning of St. Peters Festers.

" sprung from, and been acted by the Bishops : And when King
 " Philip lay on His death-bed, He charged His son, *If He would*
Rule by His Nobles, He must keep His Bishops low.

The *privileges* by which they have ever been awed, and
 their late High *Commission*, authorizing them to act any *ap-*
pellation, provocation, privilege, exemption, proclamation, law, sta-
tute, whatsoever notwithstanding; and their bold *Usurpation* in
 their own name and authorities, and under their own seals to issue
 forth *Process, Excommunications, Censures*, and other *Judge-*
ments, and their *Imperial Canons* in 1640. do bespeak them *pre-*
judicial to the Civil Government and Constitution of the King-
dom; and I think a private society should with very much of *mo-*
desty affirm the agreeableness of this Government, after the *Par-*
liament on mature deliberation and debate, as most proper
 Judges, had voted this Government to have been found by
 long experience very *prejudicial to the Civil State of these King-*
doms.

Now Sir, as to the so often Canted Aphorisme of King
James, No Bishop, No King; with which the Prelates and their
 Priests do so much strive to river their Government unto the
 Crown; I must be free to say, that it is more *politick than pious*;
 and of no more warrant or authority, than the *Spaniards one u-*
niversal Emperour, and one Pope, or universal Bishop; and when
 the *Scots loyal adherence to, and advancement of His most Sa-*
cred Majesty, unto the Ruine of their Kingdom, Loss of their
Lives and Estates, Exile and Imprisonment of their Nobles, and
Conquest of their Land; together with the *uncessant struglings*
 of the Covenant interest, under *Sequestration, Imprisonments,*
Banishments, and death of many; not ceasing till they had (by
 Gods blessing) effected the Happy and Honourable *Restitution*
 of King and Kingdom, be well considered, I hope these learned
 Masters and Scholars of *Oxford* will see some proceedings that
 may at least *weaken their belief* in this political Maxime.

We have seen Sir the strength of these learned exceptions
 unto the *second Article of the Covenant*, the great eye-sore of our
 Age; and find little or nothing therein, to charge the matter
 thereof with *falsehood or injustice*; but that notwithstanding
 the grudging of proud and profane men, it stands in this respect
established; they have herein been long, and constrained me to
 stay

stay too long in consideration of what they urge; but as they, so I shall be more brief and contracted in their following exceptions, wherein they suggest many to be *great* ones, but profess to take up with *few*, which we must needs imagine not to be of the least weight.

Unto the third Article they except nothing as to the matter of the promise, only they stumble at those words relating to the defence and preservation of the Kings Majesty, Person and Authority, *in the preservation and defence of the true Religion, and liberties of the Kingdom*; which they conceive to be a *limitation* of our absolute duty, by a condition not allowable.

Subjectio quinta;
Oxford Rea-
sons, Excepti-
ons to the 3d.
Article of the
Covenant.
Sectio quinta.

Though some do endeavour to justify these words, as a condition put upon our duty by the power of Parliament, who may limit the Prerogative of the King, as well as extend it, and think it will abide a Dispute, I am not of their opinion; for I do profess myself convinced, that *our allegiance*, and so the *preservation of the Kings Person and Authority* is an absolute duty, founded in the Relation, without Regard to the Quality, *Pie. y or Impiety* of the Person; who is bound also to His duty, but not on the condition of the Subjects duty; both King and People owe a Reciprocal duty each to other, and are bound to God to perform it; but the duty of the one is no *limiting condition* to the other; and therefore in all those contests for the Covenant in behalf of the King, which not only I, but other Ministers have undergone in the opposition of the late *sinful Engagement*; These words have been understood to be a *predication* of the capacity in which the Kingdom, Parliament and People then were, under the opposition of Malignants, who divided the King from the People; and so the meaning of it is thus, *We being in the preservation and defence of the true Religion, and liberties of the Kingdoms, shall endeavour to preserve the Kings Majesties Person and Authority*. I wish therefore that it may be observed, That the words fall into a plain *parenthesis*; and the sentence is entire without them, and they are fixed at the end of the Obligation, which relates unto the *Rights and Priviledges of Parliament, and liberties of the Subject*, as well as the *preservation of the King*, and yet these cannot be limited; and this sense is not only consonant

Pr 12, 13, 14.

Vid. The Exer-
citation con-
cerning usurp-
ed powers.
Vindication of
the Oath of
Allegiance by
the same Au-
thour.
Lancashire and
Cheshire Plea
for Non-sub-
scribers to the
late Engage-
ment.

consonant to principles of right Reason and true Religion, but also the Declarations of the Parliament in their then proceedings; and the scope of this Covenant, and this very Article, which closeth with a most Solemn Appeal to the World, to bear witness of our loyalty, and that we have no thoughts to diminish His Majesties just power and greatness; and I hope these serious Casuists will grant, that where the words of an Oath, seemingly doubtful, may, they must be understood in a good and just sense; and then their exceptions to such a limitation in the Covenant, do vanish with the *Hypothesis* on which they are built and inferred.

Unto the fourth Article of the Covenant, these Masters and Scholars of Oxford do suggest something in Politicks, which soundeth as strangely in my ears, as their past Divinity; indeed they determine it not, but only desire it may be considered,

1. *Whether this Article lay not a necessity on the son to accuse his father, and pursue him to destruction, in case he should be an Incendiary, Malignant, or evil Instrument, as is in this Article described, which they conceive to be contrary to Religion, Nature and Humanity?*

2. *Whether the swearing this Article, do not open a ready way to children and husbands that are sick of their fathers and wives, by appeaching them of Malignancy, the latter to effectuate their unlawful intentions and designs?*

To these I should have only desired it may be considered,

1. *Whether all penal Statutes in point of Treason and Felony, open not as ready a way for children and husbands to be rid of their fathers and wives; and the danger of concealment be not a very fair Apology for the same; are they therefore contrary to Religion, Nature and Humanity? Have they never heard of such wickedness? know they not that there is an impossibility of fence against malicious accusations mischievously managed? Must therefore these Statutes be voided as wicked, and the like be prevented for time to come?*

2. *Did not these learned men take the Oath of Allegiance? and therein swear, That they will to the best of their endeavour disclose*

disclose and make known unto His Majesty, His Heirs and Successours, all Treasons, and Trayterous Conspiracies which they should know or hear of, to be against Him, or any of Them: May natural affection interdict this duty? or are natural Relations exempt from this discovery? may not mischievous men find open a ready way to appeal such as stand between them and their desires? or did these Gentlemens learning and loyalty lead them to conclude the Oath of Allegiance is against Religion, Nature and Humanity?

3. May one time make contrary to Religion, Nature and Humanity, that kind of promise, which at another time, may be consistent therewithall? These Gentlemen pleaded the protestation of the 5th. of May, 1641. as a bar to the swearing this Covenant, and tell us often they swore that, and therein they swore in this Form of words, *To my power, and as far as lawfully I may, I will oppose, and by all good means endeavour to bring to condigne punishment all such as shall either by force, practice, counsels or conspiracies, or otherwise, do any thing to the contrary of any thing in this present protestation contained; will they please to tell us whether these words be not as directly contrary to the fourth, as the fore-going promise of this protestation was unto the first Article of this Covenant? or doth not this Protestation lay as great necessity, and give as fair an occasion for the son to accuse the father, and pursue him to destruction; and so appear as much against Religion, Nature and Humanity, as doth the Solemn League and Covenant?*

4. I should have prayed the judgment of these learned men on that Law prescribed by Moses to Israel, in Deut. 13. 6, 7, 8, 9, 10. *If thy brother the son of thy mother, or thy son, or thy daughter, or the wife of thy bosome, or thy friend which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, &c. thou shalt not consent unto him, nor hearken unto him, neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him; but thou shalt surely kill him; thine hand shall be first upon him to put him to death; and afterwards the hand of all the people, &c. and all Israel shall hear and fear, and shall do no more so wickedly; did not this Law bind to the same act? give the same occasion? lay the same necessity which is laid by this Article of the Covenant?*

P

And

The Fastning of St. Peters Fetters.

And was it contrary to Religion, Nature and Humanity?

Did these Gentlemen think we, expect to be preferred by this notion of policy? or if they suggested this exception by a *spirit of Prelacy*, will it not bespeak that Government prejudicial to the Civil State, which condemneth *Conventicles* in acts of piety, but admits *Families*, the Subjects *houses*, the places and *natural affection*, to be the protection of Treasonable, Seditious Conspiracies?

But they adde against this Article, that it binds to suffering punishment by an arbitrary power, without Law or Merit, contrary to the liberty of the Subject declared for by the House of Commons. Let us Sir but read the words of the Covenant, and that will evidence a contradiction to the Parliaments Declaration, of the same nature with those we have before observed; the words are these, *That they may be brought to publick Tryal, and receive condigne punishment, as the degree of their offences shall deserve, or the Supreme Judicatories of both Kingdoms respectively, or others having power from them for that effect, shall judge convenient: If Sir, condigne punishment on publick Tryal, according to the degree of the offence, be without law or merit, and Judicatory, Supreme Judicatory, be Arbitrary; High Courts of Justice, and their proceedings will be Just and Regular, and the liberty of the Subject; for I think them to be more Opposites, than the Protestation and Solemn League and Covenant.*

Oxford Exceptions to the fifth Article of the Covenant.

Unto the fifth Article of this Covenant, they profess a readiness to confederate, but they pretend to a double Remora.

1. *They do not see the happiness of such a blessed peace between the three Kingdoms, Ireland being at War within it self.*

To which I should have said no more than this:

Gentlemen, where are your eyes, and what obstructs your sight? when you swear the Protestation, you swear, *By all just and honourable wayes to endeavour to preserve the union and peace of the three Kingdoms of England, Scotland and Ireland.*
Was

Was not Ireland then at War within it self? Or have you forgotten that it was so? or is not the Peace now concluded by *both Parliaments*, and confirmed by this *Covenant*, a greater happiness of settlement then was then obtained! Sure some strong passion acted these learned men, to make *Mountains* against the *Covenant*, what were *Mole-hills* when they swore the Protestation.

But their second *Remora* is, *That no peace can be firm and well-grounded, which is not bottomed on justice, whose proper and adequate act, is jus sum cuique, unless the respective Authority, Power and Liberty of King, Parliament and Subject be preserved full and entire.*

To this I should say no more then this; Specify the defect of this *Covenant*, as to these particulars; for I cannot read or understand, if they be not all secured by the same; Suggestions without plain Demonstration, do proclaim jealousy and prejudice, but make no Argument or good Apology against required duty.

Unto the sixth and last Article, being an *Obligation of adherence to this Covenant against all opposition*; they say no more then what must be expected, that *untill they be satisfied in the Premises stated in the foregoing Articles of the Covenant, they could not subscribe to this Conclusion*; which we must needs admit them, hoping that a more cool and serious survey of the *Covenant*, & second thoughts on their *Exceptions* thereunto, may satisfy their consciences, and lead them to bewail their unhappiness in throwing such stumbling blocks before their weak Brethren, under the Name and Authority of a Famous and Learned University; and for their groundless dissent and refusal of an enjoined duty, relating to the *Honour of God, Reformation and Defence of Religion, Honour and Happiness of the King, Peace and Safety of the Kingdoms*, in a Solemn League and *Covenant*; which Sir we find, notwithstanding these so much admired *Exceptions*, approves it self lawful, in respect of the matter therein sworn to be preserved or pursued; and will the better stand under all defects and miscarriages in point of manner and form of making it; which is the next thing to be considered.

Oxford Exceptions to the sixth Article of the Covenant.

Sectio quarta.

Proposition 4. *The Form and Manner of making the Solemn League and Covenant, was good and allowable.*

IN the Consideration of this Proposition, I intend not to consider *the Form consisting in an Oath*; which is evident, and known to all, to have been a *Solemn Calling to God to witness, and avenge the violation or neglect thereof*; in respect of which its obligation is established, against whatever defects and miscarriages did attend the agitation thereof, from which nevertheless I would desire it (as much may) be acquitted; for it is pity so good matter should be blemished by the circumstances which attended it.

Nor shall I insist on an Historical Narration of the *publick Assemblies*, in which it was taken; the *Solemnity* thereof in respect of the quality of persons; *the Parliament, both Lords and Commons; the Commissioners of Scotland, the Assembly of Divines*, making the first Assembly that entred into it; nor the *Order* by Solemn Humiliation and Prayer, and serious Instruction and Exhortation which attended it; nor the *universal alacrity, joy and content* of the most serious in *England and Scotland*, which accompanied this first Act of making the Covenant; nor the after *particular Solemnities*, both for number, quality, and disposition of persons, and religious composed order, in which it was taken in the *City of London*, the several Countries and Congregations of *England*, then which I may boldly say, no publick Act ever passed by and among the people of *England*, more solemnly, or more religiously; which though it be now darkned and despised, doth set a lustre on this Covenant to abide under the greatest contempt and reproach cast upon it; and will most strongly bind in the presence of God and men.

But my intentions are to defend those actions as good, I do not say necessary and allowable, which were, and might be done without any sin, or any debilitation of the Covenant, against which I find the Exceptions of the *Enemies to the Covenant* most strongly

strongly bent, that thereby they might represent it *vile*, if not render it *void*; and these are either.

1. *The order of the words.*
2. *Nature of the thing.*
3. *Authority which enjoyed it.*
4. *Or the action and gesture of the body used in the swearing of this Covenant.*

All which I humbly conceive will be found such, as might well suit so solemn an Act, as is a *National Covenant*; yet I find some late opposition thereunto, and in special, by the *Oxford Reasons*, and the *League illegal*; I shall briefly try their strength.

1. Sir, As to the *order of the words*, I find Dr. Featlies ghost in the *League illegal*, like some hellish fury, representing the Dr. to have been a man so haughtily devoted to the punctilio's of order and honour, as *not to brook, or keep his hands from tearing a List, Catalogue or Register wherein they who were below him, should be ranked above, and named before him*; in sense whereof he thus breaths against the Covenant; *Not to take advantage of the preposterous order in setting down the parts of this Covenant, wherein he that runneth, may read a double Solecism; for in it the Church of Scotland precedeth the Church of England; and the Liberty of the Subject is set before the Royal Prerogative, and Imperial Dignity of the Prince.*

1. The order of the words vindicated against Dr. Featlies *League illegal* Pag. 14.

Sir, admit we this; Is it not an high crime? and bespeaks it not a sober serious spirit in Dr. Featly, a Member of the Assembly of Divines (who by a motion might have had this order inverted, as easily as he obtained to have *Prelacy* specified in the second Article of the Covenant after it was past) to pick a quarrel in the order of the words? although we deny not, That *such a sacred and venerable evidence of fidelity is the Covenant, that matter, manner, phrase and order ought to have (as I presume they were) been maturely advised; yea, I wish line and period, word and syllable (which might be the Printers Errata)* had been so scanned, that a captious *Momus* might not find a Colon or Comma, at which he might boggle and please his humour; yet it is but a poor advantage from the punctilio's of *order and honour*

Pag. *ibid.*

Pag. 28.

to argue against matters of moment, duties and exercises of Religion; and by misplaced words to make an Oath or Solemn League illegal; I, but do I not run too fast? he tells us *he will not take the advantage*; an honest man is indeed as good as his word; but I cannot trust him; for his ninth Argument, *This Covenant is derogatory to the Honour of the Church and Kingdom of England*, is thus proved; *The Church of Scotland, is set before the Church of England*. I like not that mans grace, that with the same breath will *remiss and retort an indiscretion*; yet Sir I cannot but enquire whether the preferring of the *pompous gay-cloath'd Church of England* before the poor Church of Scotland, look not like a species of that impious partiality, condemned by the Apostle James, Chap. 2. 1, 2, 3, 4, 5. Can we think this Dr. had the faith of our Lord Jesus Christ in respect of persons, or was acted by such a spirit of contradiction? No, this language was spoken after he was dead.

2. But these *Solecisms* are not to me so obvious; I stand still, and cannot read them; though I read the Covenant with all observation and regard; yet I confess I find *the Church of Scotland set before the Church of England*; and the *liberty of the Subject, before the Prerogative of the King*; but they are propounded with Relation to different Acts; the Reformed Religion of Scotland to be preserved; of England to be Reformed; I hope it is no *Solecisme* to put the *factum* before the *feri*; and to swear the preservation of good acquired, before an endeavour to obtain the same, or better; or to prefix the pattern, to what is to be thereunto conformed; when this Authours second thoughts had observed this *salvo* to his suggested * *Solecism*, he grudges that Scotland should be propounded as a pattern of Reformation to England; for which he had little Reason, if venerable Beda speak true, in that he reports, That * *that Nation did at first communicate the Science of divine knowledge, without grudge or envy unto the people of England*; I hope it is no *Solecisme* to propound them as a pattern of Reformation, who have first obtained it; and from whom Christianity it self was at first to us transmitted.

The second supposed *Solecism*, is no more visible than this first; for if the liberty of the people be the end and excellency of the Prerogative of the King, as all wise Statists and Politici-

* Pag. 29.
* *Mira divina factum constat dispensatione pietatis, quod gens illa quae noverat scientiam divinae cognitionis, libenter & sine invidia populo Anglorum communicare curavit.* Bed. Eccl. Hist. Gen. Angl. 1. 5. c. 23.

ans do affirm; he sure will admit to be the first *in intention and endeavour*, although the last *in execution and enjoyment*; and the rather, for that it is so directed and distast by the Maxime of His late glorious Majesty, declared at the passing of the Petition of Right, *The Peoples liberty strengthens the Kings Prerogative, and the Kings Prerogative is to defend the peoples liberty*. I am sure more serious and-publick Stateimen then he or I shall ever make, have judged it a *Solecisme* in Parliaments, to support the Kings Prerogative by supply of moneys, before the oppressions and burdens of the people have been relieved, and their liberties secured; and I believe I could prove that this is not the first Covenant made in *England*, preferring the Peoples liberty before the Kings Prerogative, without which the King may *Tyrannize over slaves*, not *Rule over Free-men*; which last is, and will be His greatest honour.

The second thing in respect of which the Covenant is blamed and reproached as to the manner of making it, relates unto the nature thereof; and the name is the notation of its nature, and it is called a *Solem League and Covenant*, against which the Masters and Scholars of *Oxford* do except, stumbling at the name *Covenant*; they were learned men, and must a little stand on the propriety of words; they therefore except against this denomination, because *imposed with a penalty*, which imposition say they, is *repugnant to the nature of a Covenant*, which being a contract, implieth a *voluntary mutual consent* of the contrasters, wherunto men are to be induced by *persuasion*, not compelled by *power*; *pactum est duorum plurimove in idem placitum consensu*.

2. The nature and name of the Covenant vindicated. *Oxford Reasons. Sect. 2. pag. 3.*

To this Sir I grant, that a *Covenant* in the strict acceptation of it, must be an *agreement by mutual consent*; yet I must enquire of these learned men whether the Magisterial imposing of absolute duty, or actions otherwise indifferent, by Superiours upon their Inferiours, and that under a penalty, may not be called a *Covenant*? What think they of that injunction to Mankind in *Adam*, *Of the Tree of good and evil thou shalt not eat*; for in the day thou eatest thereof, thou shalt die the death; we read not of any *stipulation* in *Adam*: And Divines tell us it was neither necessary nor proper, he being bound to accept the conditions his Creatour

Creator would put upon him; I am sure this is generally judged a *Covenant*, and that we commonly call the *Covenant of Works*.

1 Pet. 3. 21.
Beza in loc.

Again, In the Primitive Times of the Church, adult persons did answer certain questions propounded, as *credis? crede, abrenuncias? abrenuncio*; to which the Apostle Peter is thought to refer his *anvndiſaww apabſſw iſmpwſwſw ſis Oady*? which Beza renders, *Stipulatio bona conscientia apud Deum*; and from this order Tertullian concludes, *Anima non lavatione ſed reſponſione ſancitur*. Do theſe learned men (as the Anabaptiſts) think the Covenant of Grace is not paſſed between God, and the Infants of believing Parents in their Baptiſme, who are not capable of ſuch *conſent and ſtipulation*, but were dedicated by the Authority and Intereſt of the Parent; and are accepted by the extent of the Covenant? or is Confirmation an eſſential part of the Sacrament, and neceſſary ſupplement of Baptiſme? I find a like caſe in Scripture called a Covenant, Gen. 17. 13. *My Covenant ſhall be in your fleſh*; the ſtipulation of Godfathers and Godmothers will not relieve the caſe, unleſs they be deputed by the Infants, though they were (which doth not appear) commiſſioned by the Lord; ſo that ſome Covenants are impoſed, and paſs without mutual conſent.

2. May not an agreement between two different Nations, paſſed by the mutual conſent of the Princes, or Body Politick, be for further ſecurity ſake, impoſed by the Authority of each Nation on the individual Subjects thereof, and that under a penalty? which may be a good perſwaſion againſt their peeviſhneſs and pertinacy, who by their private intereſt may obſtruct the more general and publick good; and yet be properly denominated a Covenant; as ſuppoſe between England and Spain, which the Merchants of both are bound to keep; and I ſee no cauſe why they may not be compelled to ſwear; I hope the caſe will not differ between Scotland and England, who are diſtinct Nations, though under the ſame King; it is ſir no hard matter to make this the caſe of the Covenant.

3. The Authority impoſing the Covenant vindicated. But theſe learned men do except againſt the Authority enjoying the Covenant, which is the third particular, in the manner of making the Covenant, (ſuppoſed to be miſcarried; and herein Dr. Feſtius Chriſt doth follow them, but ſo very weakly, and with ſuch

such palpable contradiction, that I shall not spend time and paper in observing the same; but specially take notice of what is urged by the *Oxford Reasons* from which he borroweth his strength.

Here Sir I shall desire it may be noted, that I do not affirm the *authority to be full and compleat*, but to have been *lawful and sufficient to impose an Oath*, and thereby bind the people (wherein notwithstanding they should have been *defective and fallacious*, yet this will not discharge the obligation laid, as I have in my *Analepsis*, pag. 13. and before in this Treatise observed) against it, therefore as such I shall endeavour to weigh the Exceptions. * Pag. 10. 21.

The first whereof is, That *this imposing of this Oath was contrary to the liberty of the Subject, expressed in the Petition of Right, to which liberty the imposition of a new Oath, other than pag. 3. is established by Act of Parliament, is thereby declared contrary.* *Oxford Reasons. Sect. 2.*

Unto this Sir I say, I cannot but observe what strength of prejudice acted these learned men in making to themselves these Doubts and *Reasons against the Covenant*; which leads them almost throughout their Book to infer generals from specials; as I have before noted in other Arguments, so in this, the words themselves do quote out of the *Petition of Right*, are these, *Whereas many of them have had an Oath administered unto them not warrantable by the Lawes and Statutes of this Realme, they do humbly pray that no man hereafter be compelled to take such an Oath*; according to which words, it appears to be some *special Oath* that was complained of, and unto which the relative doth refer; the which, if they would please to observe, the connexion of the words will be found to have been a *particular and specificall Oath*; the words in the *Plaint* run thus, *By means whereof Your People have been in divers places assembled, and required to lend certain moneys unto Your Majesty, and of them, upon their refusal so to do, have had an Oath administered unto them, not warrantable by the Lawes and Statutes of this Realme*; so that it appears to have been an *Oath of discovery of their Estate, upon refusal to lend moneys, or some Oath ex officio, unto* *Petition of Right.*

Q self-

self-accusation, beyond the Statute of the 27th. Henry the third, which is in this point complained of, as violated; and the prayer of that Petition doth no less specify this Oath by the Relative *SUCH*, which referreth unto the quality of the Oath complained against; so doth also the concatenation of the prayer, which proportionally to the Plaint, is, *That no man be compelled to make gift or loan, &c. or be called to make answer, or take such Oath*; so that this was an Oath to make answer unto the damage of a mans own Estate, Life or Liberty, which is repugnant to Nature, and herein aggravated, as not warrantable by the *Laws and Statutes of this Realm*; a more full description whereof, these Gentlemen might have received in the Statute 17. *Caroli*, concerning Commissioners for Causes Ecclesiastical. Now Sir, from this special to argue against all Oaths that pass not by Act of Parliament, is a plain *non sequitur*, and unjust inference; the *Comparisons* in London, or it may be some Colleges in Oxford, are constituted by the Kings Charter or Patent, and the Master and Wardens of the one, or President and Fellows of the other, give an Oath to all that become Members thereof, and expect to participate in their privileges; will these learned men say, that these Oaths not imposed or prescribed by *Act of Parliament*, were contrary to the *Privilege of Rights*, which never complained of, or prayed against such Oaths? I do not think these men would have had us to think that the Oath & *Cetera*, enjoined in the Canons of 1540. was against the *Privilege of Rights*, which certainly would bespeak the Bishops something prejudicial to the *Civil State*, and yet it was never passed by *Act of Parliament*. Moreover, these learned men subscribed, and swear to the *Protestation of May, 1641.* they did not sure then think that submitting to swear that Oath, they did violate, or betray the liberties of the People, expressed in the *Petition of Rights*; they should do well to tell us by what *Act* (I do not say Authority) of *Parliament* it was established? I humbly conceive that there is a vast difference between an Oath of exaltation, self-discovery, or accusation, which is wicked in its nature, and more wicked, when without warrant from the Law; and an Oath for establishment of publick and general good, imposed by the Authority, though not established by *Act of Parliament*; it is not the simple taking an Oath without consent of Parliament; but the taking, with

an Oath, as may impeach the persons, or endanger the Estates of the Subject, which was the Peoples grievances; nor is it the formality of an Act, but the full consent of the People in Parliament, makes an Oath lawful, and preserveth their liberties in the imposing of it.

But these Masters and Scholars of Oxford fear, by owning this Covenant, they should own a power in the imposers thereof, then for ought that appeareth to them, hath been challenged in former times, or can consist with their former Protestation (if rightly understood) in sundry the most material Branches of it.

Ibid?

Unto this Sir I must say, that I know not what did appear to them to have been the power of the imposers, and challenged in former times; only unto me, and many others, it did appear not to be the mere natural power of the People preposterously, and in a tumultuous manner assembled, who yet do appear to have a power to impose on themselves an Oath; and to whom I find Sovereignty it self (to speak it with due Reverence) in some measure subjected, and its obligation superseded; if not made void, clearly barred from execution; if but by the impossibility put thereon, as it was in the case of *Jonathans Rescue*; which I shall only report in the words of *Bishop Hall*, *Saul hath sworn Jonathans death, the people contrarily swear his preservation, his Kingdom was not so absolute (yet more absolute than England) that he could run away with so unmerciful a justice; their Oath, which favoured of disobedience, prevailed against his Oath, which favoured of too much cruelty; and so long as his heart was not false to his Oath, he could not be sorry Jonathan should live: I do not in any case justify the preposterous and tumultuous Assemblings and Assumptions of the People, whereby they lay on themselves Bonds which must not be broken, and cannot well without much difficulty be kept; yet I cannot but observe many times thereby, the Vox Populi, is Vox Dei; as in the very change of the Government of Israel, on which Dr. Hall Notes, It was Gods ancient purpose to raise up a King to his People; how doth he take occasion to do it by the unwholy desires of Israel; but (blessed be God) this was not the case of the Covenant; the imposers did not assemble on their own heads, and by violence*

Halls Contempl. p. 1038.

pag. 10. 24.

lence and disorder assume unto themselves an unusual power.

The power imposing this Covenant, was a Parliament, the Collective Body of the Kingdom, Duly Summoned, Regularly Elected and Returned; Rightly Constituted, and Readily Embraced by King and Kingdom, and animated with more than ordinary Parliamentary power, by the Bill for their continuance against all Casualties, so as not to be *Prorogued, Adjourned, or Dissolved, without their own consent*: And can any True-born English-man (in any measure acquainted with the constitution of this Kingdom, or the Authority of the High Court of Parliament) deny these to be a *just and lawful Authority* to resolve, order, and enjoin, yea, and execute their Resolves, Orders and Injunctions, during the being of their power; though not to establish Lawes to be executed, when they were dissolved and gone.

Sir, I cannot without sad thoughts, remember the unhappy difference between His late Majesty, and the late long Parliament; which occasioned the unhappy opposition of the *Peoples Liberty*, and the *Kings Prerogative*; as I cannot but wish they had been acted so *consistently*, that they might have seem'd to vulgar apprehension to have been but *one*; so I cannot but judge it prudence that a period be put to the dispute thereof, upon the now Happy Re-union of His most Sacred Majesty, and these too long distracted Kingdoms; I am clearly of opinion with *Aristotle*, that Prince of Politicians, That *Regal Government is best established, where the Princes and People do participate of it*; and that *Theopompus the Spartan*, in transmitting some of his *Prerogative* to his *Ephori Princes*, might well maintain the increase of his *Dominion*, whilst he made it longer by making it less: I think therefore that the wisest men, and best Subjects, will rather think, then assert, a *Prerogative in the King above His Parliament*; and I for my part should be content to find in the Parliament a *sufficient power to impose an Oath on the Subject, without the Kings consent*, rather than to assert their Superiority unto Him, in all points and particulars: And when Sir I consider the power, even over and against their King in the Princes, and the Collective Body of the People Recorded in Scripture, as in *making War*, *Josh. 22.* *Judg. 20.* *Changing the Government.* *1 Sam. 8.*

Choosing

*Aristot. Polit. lib.
5. cap. 10. 11.*

Choosing and establishing, not only their first, but succeeding Kings, though immediately appointed, and sometimes anointed by God, as in the case of David, Solomon, and Rehoboam, and others, in removing from the King Favourites and Counsellors; as David was against the mind of Achish the King, dismissed by the Princes of the Philistines, 1 Sam. 29. in restraining the Kings purpose of destruction, confirmed by an Oath once and again, as in the case of Jeroboam; or of protection, as in the case of Jeremiah the Prophet, concerning whom Zedekiah the King said, He is in your hands, the King is not he that can do any thing against you, Jer. 38. 5. In these and the like cases, Josephus tells us, the King might not do any thing without, or against the sentence of the Senate or Congregation: Methinks a divine defence may be well made for the power of the Parliament in this case acted and admitted; though without, and against the consent of the King.

Joseph. Antiq.
Jud. lib. 4. cap.
18.

And when I consider what is Dogmatically asserted by Politicians, and no mean Lawyers, in reference to the power of general Councils and Conventions of Kingdoms in general, as of Englands Parliaments in particular, as in the Council of Basil against the Pope, the whole Realm hath more Authority then the King. The same asserted by Marinus Salamonius, who by many Arguments doth defend it, he was a Roman Lawyer and Philosopher; Hollingshead and Vowel in their Description of England, declare concerning the Parliament, That this Court hath the most high and absolute power of the Realm; and that not only without, but against the King, by it offenders are punished, and corrupt Religion reformed or disannulled, and that whatever the people of Rome might do centuriatis, comitiis, or tribunitiis; which I am sure was to impose an Oath, the same is, and may be done by Parliament; unto which may be added what is spoken to the same effect, and almost in the same words, by Sir Thomas Smith, Secretary of State to King Edward the sixth, and Queen Elizabeth, and a Do. of the Law, in his Common-wealth of England; and Horne, an Eminent Lawyer in Edward the first his Reign, in his Mirrour of Justice, cap. 1. p. 7, 8, 9. and Fortescue, Lord Chance lourt to Henry the sixth, in his Book de Laud. Leg. Angl. cap. 9. and Bracton, quoted by these learned men, who certainly affirms more than they can approve, Rex habet:

Fore, Acts and
Monuments. p.
616.

De principatu
lib. 1. p. 17, 18.

Vol. 1. cap. 1.
p. 173.

The Fastings of St. Peters Petters.

habet Superiorum Dnam, item legem, per quam factus est Rex; item curiam suam (viz.) Comites & Barones, &c. Et ideo si Rex fuerit sine fratre debet ei fratri imponere; and above all, the Sovereign Powers of Parliaments judiciously defended in our very case, by that profound Lawyer, Mr. William Prynne, approved no less Loyal to, and Zealous for the Kings Prerogative, than Loving to the Peoples Liberties. I see not how we can avoid this Conclusion, That the Votes, Orders, and Ordinances of the Lords and Commons in Parliament, even without or against the Kings personal command, is to be obeyed and observed.

Lastly, when I observe the Transactions of Parliament in the times of *Ursiger, Sigebert, Ofred, Beornerde, Edwin, and Edgar*, and other Saxon Kings, *Deo distante & audente populo*; the power of Parliaments in the times of *King John, King Henry the third, Richard the second*, and other Kings of England refusing to assemble at the Kings Call, assembling without the Kings Writ, establishing Laws, correcting Vice and Misdemeanour, executing Justice, and entering into Oaths and Covenants, without and against the Kings consent; and when I observe in all Parliaments a power of regulating the Kings Court and Council; of restraining, limiting, and enlarging the Kings power of Jurisdiction and Prerogative; nay, of making void or valid a title unto the Succession to the Crown, as in the times of *Henry the eighth*, in case of his many marriages; and that during the Session of Parliament, all Laws are under covert at their feet, to be by them established or destroyed, and are by any Vote or Order superseded, before a formal Repeal; and that in all Ages, and on all sides it is confessed, and cannot be denied, that the authority of Parliament is exercised in all Votes, Orders & Ordinances of the two Houses, unto the decision of present controversies, upon Appeal from other Courts of Judicatory, wherein they can, and may authorize Examinations on Oath, and make a final judgement, unto the ease and relief of the Subject, not otherwise relievable; unto the enforcement of any Act to be as present done and executed for the good of the Kingdom, or any particular persons or society thereof, without so much as desiring the Kings consent and concurrence; and if this power should be denied, what could the frequency of Parliaments, provided for by the old Law of *King Alfred*, and after by the Statutes of 4. Ed. 3. 4.

36. Ed. 4. 10. 12. or at least once every year, on this very ground, that the people might receive right by holy judgment (such was the judgment of Parliament deemed) and that the mischiefs and grievances which daily happen, might be redressed if need be, on which shrount Proclamation was wont to be made in the open Palace, before the breaking up of Parliament, whether there be any that have delivered a Petition to the Parliament, and not received answer thereunto? And this power removed, what will avail the Triennial Parliaments conceded by His late Majesty, or of what benefit was the continuation of this late long Parliament, against all Casualties whatsoever that might fall out to dissolve them? Can it be rationally imagined, that their being should be continued and secured, to sit within those Walls in Council and Debate, without any power to order or execute the Emergent Affairs of the Nation? These things well considered, I say, I see not how the imposing an Oath can be an assuming, or the people swearing, an acknowledging of a greater power than hath in former times been challenged. If these Gentlemen will consult our own Histories in the cases before touched, they will find a power much greater, not only challenged, but assumed and exercised; the which the season, and present state of affairs do forbid me to recite, in hopes that there will be no need to rip up our wounds newly healed; and these generals may I hope sufficiently justify the sufficiency of that authority which brought us into Covenant.

But these learned men suggest an inconsistency of this power with their former Protestation in sundry material Branches: Methinks Sir, they should have specified those Branches, and the rather, because material and many. The Protestation contains not many Branches, and those few seem to be fully conform to this Covenant in all the particulars; and wherein they have supposed a contrariety, we have before evidenced only a dissimilarity at the most, and that *Relative*, not *Real* in the manner of expression, not the thing sworn: they then protested to preserve the power and privileges of Parliament, and should not Covenant any more, nay, scarce so much in this Oath, for they herein promise to preserve the Rights and Privileges, which is something softer than power; and I wonder they that then saw a power to be preserved, could not now see a right: I will only enquire whether they thought the Parlia-

Parliament had a power to impose that Oath, and not a right to impose this? There was no Act of Parliament, nor Assent of the King to that; I observe the King in His Messages to the Houses, doth note it to be *their own Protestation*, as if He had no Hand in it, nor consent unto it; and if by power they should mean *natural strength*, not *political authority*, it hath been urged by many as their grievance, and by these Gentlemen themselves in the foregoing Exceptions, that they had too much of that: It is the unhappines of a scrupulous conscience to run it self on *contradiction in actions*, as well as assertions, to swear as *lawfully* called at one time, but not to *dare to forego* an Oath containing the same matter, though called by the same authority another time.

Pag. ibid. & 4.

But that which was the greatest doubt with these learned men, was, *the King by His Proclamation, Octob. 9. 19. Carol. had expressely forbidden the entring into this Covenant*, is being in His power to make void the same.

League illegal,
p. 16.

That such an Interdict had been published by His late Majesty, we cannot deny; but not as Dr. Featly his ghost supposeth, on pain of *Treason*; for no Proclamation of the Kings of England did claim the formality of a Law, so far as to fasten *Treason* on the non-observance of what is thereby enjoined.

2. I am not satisfied *how regularly* His Majesty did issue forth the said Proclamation; which is not usually done, but *by the advice of His Council*, who are vailed by the Session of Parliament; and all Proclamations then usually run *by the Advice of the Lords and Commons in Parliament assembled*; and if at any time the Lords and Commons, or either of them during their Sessions, give out Orders, not only relating to the Estate they represent, but to any others, the Subjects of this Realme, is hath not been usual for the King, by the Authority of His Proclamation, to shwart, oppose, and void them, and in a case of this nature, a good observer may find, the Parliament have judged the Kings opposing, or taking notice of any thing by them debated or ordered, before it is regularly propounded to Him by themselves, to have been *a breach of priviledge*, and so to have been acknowledged, and as such retracted by His late Majesty, the little pleasure I have in the story, forbids instances, hoping general hints may answer the learned and sober.

3. Nor

3. Nor am I convinced that it was in His power by the equity of the Law, Numb. 31. (they mean 30. 1.) to annul and make void the Covenant; for admitting the equity of that Law by Analogy to reach us, I hope no adult child shall on observation of irregularities in the Government of a Family, be barred from vowing in his place and calling, to his power and capacity sincerely, really, and constantly to endeavour the Reformation thereof; viz. *Quoniam qui gaudet usu rationis ita plene sub alterius potestate esse quin ut sit quantum ad aliqua saltem sui juris*, is Dr. Sanderfons's Rule; though the effect may, yet the lawful endeavour cannot be out of the child's reach; if the child or wife swear nothing but positive duty, or what is within their power, and so limit their vow; I hope the Superiours interdiction, will favour more of passionate mistake, than strength to avoid the vow.

Yet I must confess I am not clear, that the equity of that Law will reach our case; I was ever willing to yield His Majesty the Reverence due to a Political Parent; but in this case of conscience wherein he is *abstracted from, and opposed unto the Parliament*, I find a defect which makes me fear the simile will not square; and though I can own Him as a Parent to be by Him corrected and disposed, yet methinks the Paternal power is placed in others, at least conjunct with Him (*viz.*) the Parliament; I am sure Legislation is Paternal power, and Execution more proper to the other Parent; and that the Lords and Commons have a share, if not the greatest share, in Legislation, no true Englishman, nay, no ordinary Politician, can or will deny; when I observe the King sworn to Rule according to the Laws, *quæ populus elegerit*, which the people shall choose, and the Writ for their Election to require that they be furnished, and have *plenam & sufficientem potestatem pro se & communitate*, &c. *ad faciendum & consentiendum his quæ tunc & ibidem de communis in consilio dicti Regni nostri contigerint ordinari ita quod pro defectu potestatis huiusmodi*, &c. *dicta negotia infesta non remaneant*: Paternal Authority, power to consent and make Lawes in the great Affairs of the Kingdom, as the Family; and when I observe Politicians and Lawyers, even English-men, generally to conclude the *forma infermans*, form animating the Law to be the consent or choice of the People; whence *Martinus Salamonius*,

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that great Lawyer, defining the Law, saith, it is, *Expressa Civium* *Consensio*; and makes this the Reason of their obligation, *Liga-
turi populo legibus suis, quasi publico consensu, quod vire sunt lo-*
gum; whence Theodosius the Emperour, writing to the Senate of
 Rome, doth declare *consensum universorum*, to be the formality of
 those Lawes that he would establish; to which our *Holkingstead*,
 and Sir *Thomas Spilke* before mentioned; doth fully assent and
 concur, as likewise *Forscum*, who makes the King to be as the
 Minister in Marriage; who may establish and declare it; but
 the consent of parties gives it being; and the common Dialect
 of our own Statutes being, the assent of the Lords and Com-
 mons; and Authority of Parliament, with no less frequency then
 the Assent of the King; and that the contriving, debating, fully
 forming, by frequent reading, serious consideration, and full Dis-
 putes, is the peculiar work of the two Houses; whilst a Minister-
 rial Declaration (though in a Dialect, and Form of Majesty) is
 the proper and only work of a King; though I deny not a Parental
 power and Prerogative to the King; I cannot but judge it more
 then probable, that the proper Paternal power is in the Parlia-
 ment, or at the least in the three Estates; and then Sir we are un-
 der this unhappy question, whether to obey father or mother, when
 they falling out, command different, nay, contrary things; this I
 confess is not more the distraction, then the confusion of the
 Family; yet certainly in such an unhappy chance, prudent and
 rational children, must, and will cleave to the principal legislative
 party, who hath a confessed authority and power to extend or re-
 strain, augment or diminish the Prerogative and Ministerial pow-
 er of the other, bound to act according to their appoint-
 ments.

Sir, Dr. *Gaudens* Appeal to the Oxford Reasons, hath led
 me to this Discourse, and unwilling distinction; but my prayer is,
 and henceforward shall be, that England may honour father and
 mother, and know no difference; for the Case is now altered, and
 this Argument is of no force; as I thought I had sufficiently
 hinted in my last, for His late Majesty forbade the Act, but never
 assumed an Authority to void the Obligation; and His most Sa-
 cred Majesty by His own Subjection to it, Declaration for it, and
 Oath to endeavour the Establishment thereof, hath (as is before
 noted) made it valid; and I hope such as call Him Father,
 will

will weigh the equity of this Law, Numb. 30. 2. and not only acknowledge their brethren bound by it, but themselves become subject to the same bond, which had before a lawful and sufficient, but now hath a compleat and perfect authority.

4. The fourth and last particular in the manner of making the Solemn League and Covenant, is, The action or gesture of the body used in the swearing thereof to declare the assent of the minde; by which prophane spirits do endeavor to reproach it, for that it was not sworn after the ordinary manner used among us, by laying the hand on the Bible, but by lifting up the hand towards heaven. Amongst those who have of late appeared against the Covenant, I find none speaking against this gesture, save only Dr. Featley's Ghost, who (like it self, more scurrilously than seriously) pretends to Answer one Text of Scripture, which he supposeth to be the only one for defence of this gesture, Rev. 10. 15. *The Angel lifted up his hand and swore, &c.* Unto which he saith, That might be a fit gesture for an Angel menacing a fatal doom to the world; which yet may not be thought so fit a gesture for men entering into an holy League for the preservation of two Kingdoms; If they can, as the Angel, stand up on the earth and the sea at the same time: let them imitate the Angels in lifting up their hands when they make their Covenant; Howsoever, I think it a fitter gesture, in taking this Oath, than after the usual manner to lay the hand on the Bible; for this Oath and Covenant hath no ground or foundation at all in that Book; and the lifting up of the hand, very well expresseth the purport of the Covenant, which is a lifting up their hands against the Lords Anointed and his Church.

4. The gesture in making the Covenant, vindicated.

League illegal. p. 21.

The very transcription of this is a sufficient confutation: Who can read it, and not run and read a most malicious heart venting it self by a most weak head! Sounds not this Argument like Dr. Featley? Sure his Executor thought his name enough to make acceptable the dullest notions could drop from his own brain.

I shall desire it may be considered.

1. No particular gesture is necessary and appointed of God to be used by men in making Oaths and Covenants; and therefore

fore men have chosen what gesture of the body to them seemed good to declare the assent of the mind; as *Abraham* and *Jacob*, the putting the hand under the hallow of the thigh; our Countrey ordinarily useth the laying the hand on the Bible, and kissing the Book; but other Countreys, the holding up of the right hand. May not the Magistrate, prescribing an Oath, prescribe what gesture seems him good? They must needs be eager bent, who will fight with a shadow.

2. Is the lifting up of the hand a gesture peculiar to an Angel? only used in menacing, and when he stands on sea and land at the same time? Did this man never read nor hear it used in other places of Scripture? and on other occasions? or was it the vehemency or verity of the threatening, and doom denounced, which was witnessed by it? What thinks he of *Abraham* in *Gen. 14. 22.* *I have lift up my hand to God, I will not take any thing that is thine?* He was no Angel, nor threatening any judgement, nor did he stand on sea and land at the same time: Or, what thinks he of *Ezek. 20. 5.* *I lifted up my hand unto the seed of the House of Jacob?* God was not an Angel, nor then menacing any fatal doom, but promising the greatest blessings which *Israel* could enjoy. If he had pleased to consult any Expositors on these or the like Texts, he should find, that the lifting up of the hand, was the usual gesture in swearing any Oaths and Covenants: He would make the World believe, the Covenanters were in an hard strait to find an instance of this gesture in Scripture; and therefore they lie to the Angel in the Revelation.

3. Hath the Solemn League and Covenant no ground or foundation in Scripture? Suppose the matter of it be no more than he here suggesteth, (*viz.*) *The preservation of two Nations;* hath this no ground in Scripture? Did he never read therein of two Nations joyned in one Covenant, for the good one of another? But further, hath the preservation of the true Reformed Religion, and reformation, according to the Word of God, no foundation in Scripture? are there no Historical Relations of Covenants of this matter? hath the preservation of the Kings Honour and Happiness, no ground or foundation in Scripture? hath unity and uniformity in Religion, no ground in Scripture? and are not these the matter of the Covenant? Can any thing but

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horrid impudence, say, *It was not fit for them to lay their hands on the Bible, for this Covenant hath no ground or foundation in that Book?* This Authour might have well forborne this charge, who himself concedes, that *punctilio* in the manner of making this Covenant, which many and himself would deny to have ground in Scripture, (*viz.*) the making it without the Kings consent: For he grants, that a Covenant to remove a scandal, and fulfill the expresse command of God, may be made not only without, but against the consent of the Prince. If this Covenant fall not under one of these, nay both these qualifications, I have lost my reason.

League illegal
p. 20.

4. With what face can this fury say the purport of this Covenant was the lifting up of their hands against the Lords Anointed and his Church; whilst its professed inscription, is, *A Solemn League and Covenant for Reformation and Defence of Religion, the honour and happiness of the King: Answerable whereunto are the grounds inducing to make it: Having before our eyes the advancement of the Kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the Kings Majesty and His Posterity; and accordingly promiseth the preservation and reformation of Religion according to the Word of God, and to preserve and defend the Kings Majesties Person and Authority; that the world may bear witness with our consciences, that we have no thoughts or intentions to diminish His Majesties just Power and Greatness: Whatever may have been the practices of some wicked men, who sware this Covenant, it is as clear as the Sun, That the lifting up of the hand for the good of the Church, honour and safety of the Lords Anointed, was the purport of the Covenant it self: And the violent rejection of the Covenant, as an Almanack out of date before the horrid violence done unto His late Majesty, is a manifest testimony of it; together with the protest of the covenanted Secluded Members of Parliament, and of the Ministers of London, against those perjurious proceedings: As likewise, the publique testimonies of the Ministers of the Gospel to the Solemn League and Covenant, of almost all the Counties in England, do declare it: and the divagation and captivity of Scotland, the Sequestrations, Imprisonments, and death of many in England; and contests with all zeal, faithfulness, and constancy, against all difficulties and dangers,*

The Fastning of St. Peters Fetters.

gers, unto the very effecting of the Happy Return of His most Sacred Majesty, and that *in conscience of this very Covenant*, do loudly sound it through the world, if the same malice do not deafen the ear in hearing the comment, that darkned the eye in reading the Text.

Now Sir, I must tell him, *the lifting up of the hand* might be a most proper gesture to the taking of this Covenant, not only as a gesture usual in swearing, and expedient, because expeditious in an Oath universally sworn by whole Assemblies, but as a sign of *special suit and earnest supplication for divine grace and assistance*, Lam. 2. 19. *Of Solemn adoration and worship of God*; praising his goodness that had inclined the heart of the governors of his people, to bring them into such a Covenant; *Neh. 8. 6. Or of joy and alacrity* in so Sacred a Bond unto such absolute duties tending to the honour of God, happiness of the King, and safety of true Religion; *Psal. 119. 48.* And in these respects it is a gesture no less suitable to men than Angels; and the *standing on earth, not sea and earth at the same time*, performing a duty, and promising things required in Scripture, and praying mercies and blessings, not *menacing a fatal doom*: Yet I will not deny that it imprecated Gods direful judgements to fall on the heads of such as should violate *this Solemn League and Covenant*; which our eyes have seen accomplished on such as slighted its obligation in the *Civil part* thereof: And I cannot but tremble, to think what must needs attend such as not only slight, but set against, and violently break through these holy bonds in that part *which immediately concerneth God and true religion*, whilst we see the very manner of making this Covenant is no less justifiable, than the matter therein sworn; and being seriously considered, will not avail to reproach, much less to discharge the Solemn League and Covenant.

Seccio Quinta.

Fifth Prop. The Ambiguities and Contradictions in the words of the Solemn League and Covenant, are imagined, not real.

SO Sacred is the nature of an Oath, and so strict the obligation thereof, that I freely confess *simplicity of expression*, and
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sincerity of intention, should continually attend it; and *ambiguous or contradictory terms* do destroy the very nature thereof, deceive men, and blaspheme God, in making him the Witness of a fallacy; yet these ambiguities and contradictions must be *real*, and in the *very words of the Covenant*, not in the *fancy or imagination* of such as in prejudice do decline the Oath, nor in the intention of him that sweareth, not willing to be bound; for if the words be clear and plain in their proper signification, or vulgar acceptance, the apprehension of the confederates, or the due drift and scope of the Oath, the Oath obligeth, and must be carefully observed, as Dr. Sanderson, Grotius, and many others in this case do teach.

De juram. prel.
6. Sect. 22. 11.
p. 173. 195.

Some there are who charge the Solemn League and Covenant with *ambiguities and contradiction* in its terms, and therefore have declined to swear it: these (having had a care to their passion and prejudice) I cannot but commend, confessing that whilst they but seem such to their *imagination*, they might well be a *remora* to their act of swearing, and spur unto the study of the Oath to be sworne; but others plead them as an Argument to make void the Oath, and such had need to see that there is *no possibility of understanding the terms in a sound sense, and making them to agree among themselves*, lest they be found Students unto perjury: Forasmuch as the last have recourse unto the first, let us consider what seemed to the one, and are since alledged by the other, *to be ambiguous and contradictory*, that the one may be justified, and the other acquitted if found real, or both condemned if found imagined.

The ambiguities that are urged are these:

1. Those words in the first Article of the Covenant, *the common enemies*, the Masters and Scholars of Oxford do charge with *ambiguity*, but assign no cause or reason for the same, and Dr. Featley *his Ghost* following their exception, enquireth, whether by *common enemies* are meant the world, the flesh, or the devil, enemies to all true Religion; or Papists, and Independents, enemies to the Discipline of the Scotch Church.

1. Ambiguity.
Oxford Reasons, Sect. 6.
p. 17.
League illegal
p. 27.

Unto this exception, Sir, I answer:

The words *common enemies*, are words in their own nature and signification, plain and clear to be understood, nor do I know them to be darkned by any variety of acceptance; they are indeed relative terms to be specified, or particularly assigned by their objects, things, or persons, so that *the Kingdom of England, or professors of true*

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Religion being annexed to common enemies, as objects of that enmity, doth make its sence plain and obvious to every capacity: If then common enemies had been mentioned in the Covenant without an object assigned, it might have been an *individuum vagum*, and so ambiguous as not to be understood: But they are not left so general, for they are limited with this possessive, *our*: The words run thus, *The preservation of the Reformed Religion of the Church of Scotland, in doctrine, worship, discipline, and government, against OUR COMMON enemies*: This Relative *OUR*, doth limit and explain COMMON ENEMIES; and if they will consider the antecedent, which can be no other than the *Noblemen, Barons, Knights, Gentlemen, Citizens, Burgeses, and Commons of all sorts, &c. living under one King, being of one reformed religion, having before our eyes, &c.* and men described by these and the like qualities, and in special, by one that is fully exegetical to these terms in the Preface of the Covenant, and discharge all imaginable ambiguity in them, (*viz*) *Calling to mind the treacherous and bloody plots, and conspiracies, attempts and practices of the enemies of God against the true religion and professors thereof in all places, but especially in these three Kingdoms, ever since the reformation, they will find, that an ordinary Grammarian would easily read this Riddle, and tell them, common enemies, limited by this possessive OUR, must mean the enemies of England, Scotland, and Ireland, as living under one King, in the profession of one reformed religion; wherein some had made a progress to be preserved, others were in pursuit of a greater degree of reformation, but all opposed by the plots, conspiracies, &c. of known enemies to true religion, especially the professors thereof in these three Kingdoms: Now whilst this enmity was not seen by the Masters and Scholars of Oxford, it is no wonder if they imagined an ambiguity in these words, Common Enemies; and Dr. Featley his Ghost might hereby have assured himself, that both the flesh, the world, and the devil, are enemies to all true religion, and so to reformation, and Papists professed enemies to the reformed Religion, were here intended; and Independents (though scarcely then known by that name) by their enmity to the discipline and government of Scotland parts of the true reformed Religion, might be accidentally accounted into the number of the Common Enemies, so far as the qualifications before mentioned in reference to the antecedent objects of this common enmity, will include them: And so Sir, the words can be of no very dark or doubtful construction to the one, or to the other, there being no real ambiguity in them.*

The next words charged with *Ambiguity*, are in the same Article *the best Reformed Churches*, concerning which the Masters and Scholars of Oxford enquire *which they be?* but (by their leave,) that is not necessary to be resolved in or before the taking of the Covenant; yet the words are of a plain and clear construction, making this sence obvious to the meanest capacity, in *endeavouring the Reformation of the Church of England, the Word of God shall be our Rule; and (forasmuch as many Churches are reformed, some more and better, some worse and lesse) the best Reformed Churches shall be our Pattern;* so that the Covenant asserts not which are *the best Reformed Churches*, but binds the Covenantant to the observation of whatever Church shall appear, and be found the *best Reformed*, as the example to which he shall endeavour *England* may be conformed.

The Second Ambiguity charged on the Covenant.

The next words imagined to be so ambiguous as to impede the swearing the Covenant in judgement, are in the second Article, and profoundly stated by Dr. Featlies Ghost, who enquires, *what is meant by Church-government, by Arch-bishops, Bishops, Deans, &c.* as if it were not so particularly specified, that every ordinary capacity may run and reade it, if he know any thing of the late *Hierarchy* in this Church: Dr. Gawden hath appeared no lesse willing to suppose and suggest the same *Ambiguities*, in his *Analysis*; to which I have before answered in my *Analepsis*; and he that hath but half an eye cannot but see, that the very and whole frame of Government, by *Arch-Deacons, Prebends, Chapters, Deans, Bishops, and Arch-bishops*, (whereby *all Government* which belongs to Presbyters in Common, was engrossed; by a few pretended Ministers to *Cathedral Churches*; and a *Superiority of Office and Order* above Presbyters, not ordained by God, or consented to by themselves, was exercised) is utterly to be abolished; the which is so clearly expressed, that it can admit of no evasive Salvos.

The Third Ambiguity charged on the Covenant; League illegal pag 27.

The next *Ambiguities* is imagined by the Masters and Scholars of Oxford, to be in the fourth Article, in the word *Malignants*; and they enquire *who are to be accounted Malignants*, as if it were left in its latitude, to be understood by every mans private fancy; whilest it is expressly limited and explained in the Article it self; *such as have been, or shall be Malignants, by hindring Reformation of Religion, dividing the King from his people, or one Kingdome from*

The Fourth Ambiguity charged on the Covenant.

The Fastning of St. Peter's Fetters.

from another: so that the *Malignity* predicated, is described and specified by the formality of it: but those learned men know not how farre the hindring Reformation of Religion may be extended. To which I say, it matters not unto the discovery of a *Malignant*, for they will not deny both these to admit *major* and *minus*; if Reformation be hindred, it is *Malignitie*, which is in degree *more* or *lesse*, according to the measure of that obstruction which is made.

Again, they know not what are meant by the *Supream Judicatories* of both Kingdomes; sure they will not pretend to ignorance in the signification; they know well what a *Judicatorie* is, and wherein *Supream*, almost every Englishman knoweth the sence of these Roman termes. I believe their doubt was, *which be the Supream Judicatories*; and the words can be construed no otherwise, then to mean, *those to which the other Courts of Judgement are subject, and from which there is no appeal*; if they please to ask Lawyers, I presume, they will tell them, it is the *Parliament*: yet this is not necessary to be known, to the expounding of the words of the Covenant.

Oxford Re-
sons, s. c. 6.
page 17, 18.

These are, Sir, the *ambiguous termes*; which in the judgment of these learned men are of a dark and doubtful construction, whether really and in themselves, let rational men judge: others they do stick at, but profess the use men have made thereof doth occasion it; they well know false glosses, male interpretations, and a strained sence may by wicked men be put on the plainest text; yet it doth not lose its genuine and proper signification; especially in an Oath; wherein some men are willing to wrest it with rigour, beyond its scope: others, to writh themselves out of its just obligation. I shall be free to tell them, that no Rules of right Reason, will justifie the rigorous sence put on the third Article, in the Case of the King, by Mr. Challoner, though in a Speech in Parliament; nor the Laxe Sence, put on the second Article, in the Case of Prelacie, by Dr. John Gauden, though unto the Loosning of St. Peter's bonds: nor will the words of the Covenant warrant the one or the other. But such *ambiguities* are made according to mens wills, mindes, fancies and lusts, not found in the words, which are clear and plain to every common capacity.

These supposed *Ambiguities* are not more visible to have been imagined, without any real ground in the words of the Covenant, then
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the suggested *contradictions in it selfe*; the learned men of Oxford do charge the Covenant to be an Oath, in which one part is contradictory to another; but with Reverence may I tell them, one part is confined to their breasts, or to such to whom they shew it; for it goeth not abroad with the Covenant; as will appear in the very naming of their supposed suggested contradictions, which are these.

Oxford-Reasons, sect. 6. p. 16.

1. To preserve, as it is, without change, and yet to reform and alter, and not to preserve one and the same Reformed Religion.

1. Contradiction charged on the Covenant.

In what Articles of the Covenant this contradiction lieth, they do not tell us, nor can I see it: the Reformed Religion in Scotland is to be preserved, and Reformation of Religion in England endeavoured: Are these opposites and contraries? were there not Doctrines, Worship, Discipline, and Government in England, which were no part of the Reformed Religion? and cannot these be altered and abolished, whilst that is preserved? where then is the contradiction?

2. Absolutely, and without exception to preserve, and yet upon supposition to extirpate the self-same thing (viz.) the present Religion of the Church of Scotland.

2. Contradiction charged on the Covenant.

I want, Sir, their eyes to read this contradiction; the first part, to preserve, is legible in the Covenant: but, to extirpate the present Religion in the Church of Scotland, I read not; Oh, but they tell us, it is on a supposition; but I suppose, that supposition must be expressed in plain termes in the Covenant, to make a contradictory part thereof.

The Extirpation covenanted relates to Popery, Prelacie, Error, Heresie, Schisme, &c. which of those can we suppose the present Religion of Scotland to be? they will bring good Compurgators for every of them; I know the Universitie did suppose, *there were some things in the Church of Scotland, which to their thinking did tend to schisme and superstition*: yet they dare not charge it; do but suppose it; and that not to be, but tend toward superstition and schisme: and they do not affirm them neither to be the Religion of Scotland: such supposed extirpation may suppose a contradiction, justly deserving to be charged to be a *suppositum non supponendum*.

* Reason. sect. 3. p. 4.

Their next Contradiction is as clear a supposition as this: to re-

3. Contradiction charged on the Covenant.

The Fastning of St. Peter's Fetters.

form Church-Government in England and Ireland, according to the Word of God; and yet to extirpate that we are persuaded is according to the Word of God: here it is visible, the contradiction is between the Covenant and their persuasion; not one part against another part of it self; how well-grounded their persuasion is, we have before enquired; I shall therefore only tell them, it is not fair play to beg the question, and on their own persuasion, to arraign the Covenant, as an *Oath* contradictory to it self, yet

4. Contradiction charged on the Covenant.

The next is of the very same nature, to extirpate heresie, schismes, and prophaneness, and yet to extirpate the Government; we conceive, the want of which is the chief cause of all evils, and the restoring and continuance of which, the proper and effectual remedy. Sure Sir, this conceit never sprung from the Book of Sports, or Bishop Pierce his Somersetshire Septuagint on Revels and Church-ales, which are more clearly contradictory then the Covenant.

5. Contradiction charged on the Covenant.

Their last is of the same nature: and a supposition in their own breast, to preserve the Liberties of the people; and yet submit to the imposition of this Covenant not established by Law: yet imposed by just and sufficient Authority: but in what words of the Covenant lieth this contradiction? I hope it is no losse of the Liberties of the Kingdom, to swear, that we will preserve the Liberties thereof; Who ever requires us so to do? for the swearing of an absolute duty, is but a poor acknowledgment of Authority.

We must, Sir, see more dark and doubtful expressions, and plain and clear contradictory termes in the Solemn League and Covenant, before we can judge it really ambiguous or contradictory; or conceive mens clamours to spring from any thing more, then their own passionate fancies, and prejudicate opinions, whose lusts leade them to wish it were such, as they cannot charge it to be.

Sectio sexta;

Proposition 6. *The Solemn League and Covenant, for its qualitie, and in respect of its obligation, is Publique and Nationall, as well as Private and Personall.*

SIR, Dr. Gauden in his attempt to loosen St. Peters bonds, (as he judgeth the Covenant to be) was willing to render the Covenant to be in reference to the matter thereof; a Religious Bond declaring a sence of dutie to God, the King, the Church, their Country, and the reformed Religion, to make men more strictly sensible of the sacred, and civil obligations respectively due unto them, that so they might be more ready to discharge them in their places and callings; and hereby he doth establish the obligation thereof; which, he not finding any way to avoid, doth endeavour to limit, and contract into a narrow Room and Compasse; supposing the subjects thereof to be few, very few, and those private men in their private capacitie, and so denominates it a Religious Bond which private men, and some party only of the Nations spontaneously took upon themselves, in sence whereof he accommodates his solution of the Covenant unto private capacities endeavouring to absolve them by a power which, he saith, is in themselves: or to quiet them with a suggestion of impossibility to accomplish their particular promises against the purpose, and current of the Nation: how judiciously he hath managed the same, I have already shewed in my St. Peters bonds Abide, wherein, I did among other things, suggest my apprehension of the Covenant, in respect of the extent of its obligation, to be Publique and Nationall; I expected something to have been said by the Dr against that suggestion; and the grounds from which it did arise, but find none; only in the Doubts and Scruples handed into the world by his Epistle, and offered to your, and my consideration, he doth adhere to his own notion of the nature and private personall obligation of the Covenant, not urging one Reason for it, or answering any thing urged against it; how ingenuously this is done by a Casuist, (that presumed to release from the obligation of sacred bonds) let the world judge: I am

page 14.

page 21.

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therefore constrained to speak out, and more plainly to assert what I was desirous only to hint, and generally suggest; hoping thereby to have produced some serious discourse, which might have acquitted our Nation, or have affected them with the Cath of God which abides upon them.

When Sir, I say, the Solemn League and Covenant is *Publick and National*, I intend by it that which Civilians and Casuists do ordinarily call *Real*; and as they oppose it unto *private or personal*, because it *resteth not in any individual persons, or particular private number thereof*; who may soon perish, and so the obligation passe away with them; or be *over-powered*, and so put into an impossibility of doing what they had sworn: (as was *Saul* in the case of *Jonathans Rescue*; and the men that confederated against *Paul*) the breach whereof subjects onely those individual persons unto the guilt or punishment of perjury, in non-effecting, or endeavouring the thing covenanted: but abideth fixed in *things and capacities, which continue and abide under all mutation of persons, and so passe upon all persons whatsoever, in all after ages, ad infinitum* (if the Covenant be not limited) who shall succeed into those things, places, or capacities: and so binds all persons therein concerned, whether invested, or represented by, and so involved in the same, unto the sincere, faithfull, diligent, and constant performance and pursuit of what is therein promised: and in deniall, or defect thereof, subjects them unto the guilt and punishment of perjury; so that the generations who never personally sware the Covenant, succeeding into the capacities of their Progenitors, are bound unto the performance of the Oath, and shall be punished many hundreds of years after it was made, and (it may be) some years after it was violated, in case of the breach of it: for so long as the *publick capacity* continueth, the persons which succeed into it, succeed also into the obligation which lieth upon it, and the variation of persons voideth not the Oath: such is the Oath of any body of people, whether a City or Nation, wherein the *publick faith of that body Politick is engaged*, and must be maintained.

First, whether it be done by the universality of the people themselves? in which all singulars are supposed to confederate: though some few may not comply, yet those few are included in, and bound by the universality according to that Rule, *Ubi universi, ibi & singuli*

Ubi semel decretum erit omnibus, id est tiam quibus ante displicuerit pro bono atque utili sedere defendendum. Liv. lib. 32.

guli, nam singuli congregati vel in summam reputati faciunt universos :

The universality is made up of the singular persons ; so in a Corporation or County, the *Universality* chuse Members of Parliament, or Magistrates confederate, though some *singular persons* be not present nor vote in the Negative, and so personally consent, yet are politically obliged.

Pacta civium publicis consiliis habita eos obligabant qui aliter sentiebant. Gros. bel. & p. a. p. 516.

2. Or whether it be done by the collective body of the People who represent them, in their names, and at their appointment, not transacting all affairs as did the Senate of Rome, in reference to which *Salust* noteth, *Senatus uni poterat decrevit, suo atque populi injussu nullum potuisse sœdus fieri*; the Senate decreed, for if they or the people had gainsaid it, there could be no Covenant; and in this Collective body though there may be many dissent, yet by the Oath and Act of the majority themselves, and they whom in that capacity they represent, are bound according to that rule, *Cætus quilibet non minus quam persone singularis jura habet se obligandi, per se aut per majorem sui partem*. Thus was Israel bound by the Oath of the Princes passed unto the Gibeonites, so that although the people knowing it, muttered and murmured against the Oath, no one durst offer violence unto a Gibeonite, and when *Saul* in a well meant zeal did presume to do it, the Faith of Israel was violated and avenged by a Famine in the time of *David* an innocent person, untill expiated by the hanging *Saul's* sons three hundred years after the Oath was made, and when many generations who consented not unto it, had returned.

3. Or, Whether it be done by any single person, as the King, but in the name and on the account of the Kingdom; so that as King of such a Kingdom, he makes the Oath or Covenant, and so obligeth the faith of the Kingdom, and so the people are included in it; and the Covenant doth not become personal, according to that Rule, *At si cum rege contractum sit, non statim personale erit censendum sœdus; plerumque persona pactum inseritur non ut personale pactum fiat sed ut demonstretur cum quo pactum factum est*. If the Covenant be made with the King, it is not therefore personal, for a person may be inserted to shew with whom the Covenant is made; as a Covenant is passed by the King of England, to declare England is bound, as it was in the case of the Roman Empire; *Imperator sœdus percussit, videtur populus percussisse Romanus & sœdere continetur*. The Emperour sware, the people were in.

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included in the Covenant, and such also was the Oath passed by Zedekiah the King of Israel, unto the King of Babylon, which bound Israel to performance, and brought them under the guilt and punishment of the breach thereof.

Sir, An Oath or Covenant is best discovered by the enquiry and caution made, & given by Justin in the case of the tributary Cities which had obtained terms of the Medes before the Empire was to them transferred, *Speclandum an in conventionem fidem Medorum eligerent*: Whether they had engaged the faith of the Medes, and if the Covenant were so sworne in a publique and nationall capacitie, that the faith of the Nation were engaged; all persons and all ages, so long as it continueth a Nation, are obliged by it, and must carefully performe it; or expect to plunge themselves under the guilt, and punishment of perjurie: the Oath Reall being founded in *suu natura*, a *subjectum permanens*, a subject which ceaseth not, however it succeedeth unto, and is administred by different persons, so that in this case, as in the case of the holy wars, it was generally granted: every League with Christians, did binde Christians who did not personally confederate, because the faith of the Christians was engaged, so every Covenant of England, engaging the faith of England, doth bind all present, and future people in England, whilst England abides a Nation, & cannot be avoided, though obtained by fraud, as that of the Gibeonites; or by force, as that of Zedekiah, which we have before noted; nor will it availle any thing, as to their excuse, or apology, for not preserving and pursuing the things promised in the Covenant; to plead I took it not, or my Father indeed took it, but the Generation is dead and gone who sware it, unless they can divide themselves from the Nation, and bury the Nation in the Tombs of their Progenitors; nay, though there should be a mutation of the forme of the Government, and Administration thereof; yet if it abide a Nation, its National Oath will bind according to the Reason. *Grotius* layeth us down, *Etiamsi status Civitatis in Regnum mutetur; manebit fœdus quia manet idem Corpus, etsi mutato capite*, the same body politique doth yet continue: unto such as suppose the death of persons to make void the Covenant, I would tell them what *Livie* said in the case of the Romans, they sware when *P. Valerius* was Consul, they would assemble at the command of the Consul he being dead, *L. Quintius* was made Consul and called the Assembly; they begin to cavill and

question whether they are bound by their Oath, *be being dead, to whom they made it. Et nondum hac quo nunc tenet seculum, negligentia Deum venerat; nec interpretandi sibi quisque iurandum; & leges apertas faciebant, sed suos potius mores ad ea accommodabant;* This negligence of God hath not long possessed this Christian world, that men should make unto themselves the interpretation, or rules of obligation of an Oath; unto which they should rather square their conversation, whilst if it be a *real, publick, and National Oath, the persons swearing; and sworn unto, may passe away; and yet (as in the case of the Gibeonites) the obligation passe to all posterity.*

Sir, I am sufficiently convinced that if private men, and individual persons who have sworne the Covenant, will make conscience of the Oath of God upon them, there can be no probability of a returne, and re-establishment within the compasse of this age, of the evils we have sworn to extirpate, they being locked under a moral impossibility of re-admission or continuance, by that publique Parliamentary capacity into which many, who have sworne the Covenant, are at this time resolved; and in which they cannot but know themselves bound to endeavour in their places, and callings, with all sincerity, reality, and constancy to extirpate the same, and for that others, and those not a few, as Ministers of the Gospel, are bound to the same in their capacity. I am sure the Ministerial rebukes, and consultations of the one, and publique Parliamentary debates of the other, will lay a very great remora unto their return: and his most Sacred Majesty (to speak it with due dread) being in his place bound from his Royall assent thereunto. I presume will not only awe from proposing to him any Laws that may restore any of them, but put an absolute moral impossibility on the present passing of any Law to that purpose.

Yet Sir, when I observe many carnal Politicians, careless Preachers, Court Divines, and temporising Covenanters, suggesting a nullity on the Covenant, and speaking out, that it is void, and now obliging, by the reason of the paucity, (which they suppose not to be a fourth part of the Nation) who sware it, or at least unto such as never took it, which may not only be many persons now living, but the whole Generation since springing up, or that the Power and Authority of the Nation (whom they do not a little provoke thereto-

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which may by their publique edict make it void. I see it to be a plain case of conscience, and necessary to be resolved, whether the *solemn League and Covenant* be private, and personal only, binding individuals, or real, publique and national, binding the power, and body politique of the Nation.

And Sir, on second thoughts, and a serious surveigh of the *solemn League and Covenant*, I cannot but observe, and see clearly, that first the matter therein Covenanted is publique and national, relating to the Kingdom under its Civil, Religious, and reformed considerations, or capacity, being the reformation and defence of Religion under a national profession, and the honour and happinesse of the King, privileges of Parliament, and liberties of the Subjects, and the like concerns, no way proper for personal, and individual, private Oaths.

2 These matters, and this forme of security to them, were *unfaded, unjust, debated, determined concluded, and agreed unto, by the whole Nation*, agreeing in the general capacities which did relate unto the matter thereof: and that in their most publique capacities, and by the indisputable, most full, and formall collective bodies of both Kingdomes, the Parliament, though defective, in that part which was more necessary to establish a Law, then indeed a Covenant, which did most eminently consist in the consent of the people, and body of the Nations.

3 The termes shewing the capacity in which it was sworne, are general and national, as in the very words of the Preface, We Noblemen, Barons, Knights, Gentlemen, Citizens, Burgeses, Ministers of the Gospel, and Commons of all sorts of the Kingdom of England, &c. by the providence of God living under one King, and being of one reformed Religion, so that all ranks and orders of men, however dignified, or distinguished among themselves, yet united in this publique capacity, the Subjects of one King and of one reformed Religion, and in that union universally were the Covenant.

4 The end and scope of this Covenant was Real, National, and Politique, and only Personal, in relation therunto: as is evident by the professed grounds thereof, as having before our eyes the same publique liberty, peace, and safety of the Kingdoms of which in every one private consideration is justly a source of the deplorable distressed, and
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dangerous estate in which the Kingdom then were; and by the ends propounded almost in every Article thereof which relate to the Kingdoms, and our Posterity, and cannot be secured, if the Oath be not National, as in Article the First, that we, and our Posterity after us, may as Brethren, live in faith and love, in Article the Second, that the Lord may be one, and his Name one in the three Kingdoms. In Article the Third, that the two Kingdoms of England and Scotland, may remain conjoyned in a firm peace, and union to all Posterity. And by the Sixth Article, it is declared to contain in it a cause which much concerned the good of the Kingdoms; and in the conclusion thereof, is a profession of sense, and sorrow for the sins of these Kingdoms, distinct from our own sins, the which do loudly proclaim the scope, and intent thereof to have been National and Publique.

5 This Covenant was sworn by the Nation, or Kingdome,

1 Collectively, by the body of the Nations, regularly assembled, and constituted, in the most full, and compleat Assembly, that could, and ever did represent the same, in all acts and agitations truly Real and National, viz. The Parliament consisting of Lords and Commons, and that in their publique capacity as a Parliament, the House of Commons Assembled in their House, and in the formality of the body of the Nation, with their Speaker before them, went unto St. Margrets Church in Westminster, and there with the greatest solemnity imaginable, did as the representative body of the Kingdom, swear this Covenant; which as a further testimony Ordinance of Feb. 5. 1643. that it was a National Covenant, they caused to be printed with their Names subscribed, and to be hanged up in all Churches, and in their own House, as a compass whereby (in conformity to right Reason and Religion) to steer their then debates, and to direct to all that should succeed into that place, and capacity, what obligation did before God lie upon the body of this Nation.

2 It was universally sworn by the people of this Kingdom, solemnly Assembled in their particular places of convention, all over the Kingdom, all manner of persons from eighteen years old and upward, and that, not at their own will and giddy humour, but at the Command and by the Authority of Parliament, who in their place, and in the behalf of this Nation, having judged it of so and so excellent means to acquire the favour of God towards the three King-

Kingdoms, did order it to be universally sworne: and certainly whosoever will but well weigh the directions given, and duly executed in the tending of the Covenant, in all Counties, and Parishes, by every individual Minister to every individual Congregation, and taken by all persons, religious, military, or civil, enforced with arguments which might convince conscience in the ingenuous, or constrain the act from the peevish or perverse, and accompanied with the greatest extension concomitant imaginable, he cannot but see a much more then the fourth part of the Nation did swear the Covenant. If the several Rolls, within the several Parishes, and Precincts of this Kingdom, in which the several Names of such as did swear the solemn League and Covenant were engrossed, may be produced; It will be found notwithstanding the many singulars, who may now renounce and say they did not take the Covenant, it was sworn by the universality of the Nation. And I hope, we who have ever been judged a free people, tied by no bonds, but such as we lay upon our selves, may be allowed to bind our selves by an Oath, and so make it Real and National, according to that Rule, and Reason of *Grosius*: *Si quidem populo libero altum sit, dubium non est quin quod promittitur sui natura reale sit.*

De jure bel.
Cap. 256.

3 The solemn League and Covenant hath been ratified, and rendered National, by his most Sacred Majesty, unto all such who apprehend the constitution of this Nation to be *merum imperium*, an absolute Monarchy, wherein the King hath *supremam potestatem*, and whose professed loyalty leads them to subject themselves to all manner his Majesties concessions, and conclusions, and that by a series of multiplied acts; as his Majesties agreement with the Scots at Breda, where he Graciously condescended to his Subjects, by Solemn Oath to publish and testify his approbation of the solemn League and Covenant; and at his first arrival into Scotland, was pleased to subject unto the same bond in which his Subjects were engaged, and to swear the same solemn League and Covenant: And again at his royal Coronation at Scoon in Scotland, on the first of January 1651. was Graciously pleased over and above the ordinary, and solemn Oath, peculiarly belonging to him as King of Scotland, in his most publique capacity, to swear the solemn League and Covenant, and this Oath, in behalf of himself and his successors.

I. Charles King of great Britain, France and Ireland, do asswre and

and declare by my solemn Oath in the presence of the Almighty God, my allowance and approbation of the nationall Covenant, and of the solemn League and Covenant above written, and faithfully oblige my self, to prosecute the ends thereof in my station and calling, and that I for my self and successors shall consent and agree to all Acts and Ordinances enjoining the Nationall Covenant, the solemn League and Covenant, and fully establish Presbyteriall Government, the directory for worship, Confession of Faith, and Catechisme, in the Kingdom of Scotland; as they are approved by the Generall Assemblies of this Kirk and Kingdom, and that I shall give my Royall assent to Acts and Ordinances of this Parliament, passed or to be passed enjoining the same in my other dominions, and that I shall observe these in mine own practice and family, and never make opposition to any of those or endeavour any change thereof.

In this Oath, it is worth observation that the Royall assent is given unto the solemn League and Covenant and directory for worship, Confession of Faith and Catechisme, and Presbyteriall Government, at things done in pursuance thereof. 2. That the Royall assent is declared unto, and assured to be given in formality unto Acts and Ordinances of this Parliament (supposed to be then in being) in his other dominions passed by them, for the Covenant and other things, of Religion specified. 3. That this he was pleased to do as King of great Brittain, France, and Ireland, his most Royall and publick capacity and that for himself and his successors: upon these considerations I could be glad to receive the judgement of the learned in the Law, whether the Royall assent any way or by any expressions or Act publicly made known, be not sufficient to make an Act of Parliament a perfect and complete Law, the equity of the statute of 33. Henry the third. 21. Rendering the Kings assent under his seal expressed, to be as valid and effectual to all intents in Law as if he had been personally present; doth suggest a ground for this enquiry: for I conceive an assent by solemn Oath, to be a more Reall Royall politicall presence then the transubstantiation on his Reall presence under his seal: but that I may keep within my sphere, I presume none will deny this to be true civilly and divinely before God and men an establishment of the solemn League and Covenant, to Oblige the subject: and the rather if it be observed that

The Passing of St. Peter's Passers.

it was done deliberately, and so professed and enforced by a most pious declaration of his Royall pleasure, conjoining the clemency against the Covenant conceived in any his subjects in any his dominions to refuse his Majesties being resolved to have no friends but the friends of the Covenant: Grotius layeth us down two cases, wherein the Act of the King doth binde his subjects; they both square with this our case in reference to the Covenant, the one *Commissus Regentium obligat subditos si probabilem habeant rationem*, if the Covenant carry a probable reason let such as plead his Majesty had no probable way to come to his right and be enjoyed by his subjects but by yielding to the Covenant, (which God indeed hath used as the principall means to that effect now graciously accomplished,) tell us whether it was a most probable reason of good to the Nation The other case was this *si adsit, & populus ipse vult obligari quo casu, sui juris esse inceperis, & successores, ut populi cupimus obligabimur nam quid populus liber contraxisset, obligaretur is quia ipse regnum plurimum jure acceperet*, where the people are willing to be bound, of which in our case let the agitations of both Parliaments in both Kingdoms witness.

and

It will Sir, nothing relieve this Act of his Majesty to plead, *It was below his Royal Prerogative to Covenant with his own Subjects*; had it been with an enemy, we admit and confess we were bound by his Act, but by his Royal Power he may at save himself from so vile an Obligation made to his Subjects: In this case I must indeed confess, his Royal Prerogative may privilege his Majesty from a rashness unto performance of what he hath sworn; the state of Subjects leaving them void of power to compel: but jure civili and divino, he is bound to performance, and the Subject may by humble supplication pray and demand performance of the Covenant, for the consideration voluntary hath left an obligation on the conscience before God and the world: So Grotius telle us, *Dicitur expresso & contractu Regis quam cum subditis init, non solum ut propriam obligationem, quo sui dei ipsi subditis*; the

Now is it of any use for our plead that his Majesty was

in

Grotius de jur.
bel. & pa. lib.
2. cap. 4. 235.

Grotius de
jur. belli &
pa. l. cap. 14.
p. 233.

The Fastning of St. Peter's Letters.

343

'in a scutell of steel, and not in the possession of the Kingdom,
'and therefore could not as King make any Covenant for or
against his people: Unto this Plea the Answer is obvious, and
it is and must be acknowledged no case or place can destroy his
Royal capacitie, for it abideth, and the alteration of his seat of
fiercendie will not render his Family an individuum regium. As
Lucan noteth of the Roman Senate; *Non unquam perdidit ends
mutato sua jura loco;* and Gronius hath ruled this case, and con-
cludes the same, *Cum rege initium sedes manet eadem. Rex illos an
successor a subtilis si pulsus; ius anim regni penes ipsum manet, ut
que possessionem amiserit.* I hope there is iure civili, the same
right and power to give, as to receive, and then let the King
be where he will, his Covenant binds for or against his
Subject, and to the sworn form of Worship and Dis-
cipline in his Family.

Lib. 2. cap. 165
p. 257.

Nor is it of any more strength or advantage, to say,
'His Majesty was under force, and through the straits of
'His condition, did condescend to such unworthy service,
'which He cannot with honour make good: The which so
much as once to suggest to the World, is an high disser-
vice, and reproach unto His Majestie, lessening His Royall
Reputation, and the apprehension of Pietie, amongst His
Religious Subjects; If Doctor Sanderfons notion be right
Divinitie, as certainly it is, *Pius esse sequit qui non est for-
tis,* He cannot be godly who is cowardly, and his esteem
amongst men by the rule of the Heathen Poet

Infam ac senectus propositi minuat

Non civium audet prima iurisdiction;

Nam vultus infantis et iunioris

Admirantur, et solidi

Horat. lib. 3.
ode. 3.

Serious men will stoutly withstand the importunities of
impudence, and the cunninges of malignant Tyranny. And I
say, it cannot avails unto the blasse, valiant, or the covetous
ant; the matter whereof is found just, lawfull, and possible,
for all Casuists have concluded *Peramentum motu exteriorum*

docti

Now Sir I say, when I have considered the Covenant under these publick considerations, and find such palpable engagements made by the people of England, as a Kingdom, and Political Body, professing the Reformed Religion; I can not but adhere to my former conjecture, that it looks something like a National Obligation; nay, the confluence of publick assent and authority, by the people collectively and distributively considered; and the access of Royal assent and concurrence (the defect of which rendered it at first less acceptable to many) leads my conjecture unto a full conclusion, that it is a publick National Covenant, binding all the persons of this Nation (that swear, or swear not personally) and our posterity after us, in their particular places; and all that shall succeed into the publick places, and politick capacities of this Kingdom, to preserve and pursue the things therein promised, so long as it remains a Kingdom, under one King, and in the profession of one Reformed Religion; which I pray and hope will be, till Jesus Christ shall come to judgment. Give me leave Sir to enforce this, with what I observed to be asserted by the Lord Chief Baron in his learned Speech unto the late condemned Traytors at the Old Bailey, *You were bound to bear Allegiance to your King; yea, though you may not have taken the Oath of Allegiance your selves, yet you were bound by the Recognition of King James and His Posterity, made at His first coming to the Crown of this Realm, by the whole Parliament, being the whole Collective body of the Kingdom: Certainly then they and their posterities must needs be bound, who themselves have universally by the appointment and authority of such who were entrusted for them, engaged the Faith of the Nation; though it had been sufficient, if the Parliament in that publick capacity had only done it; for I say still, I see not how they can give away our Estates; or take pardons in the name, and to the security of the Nation; if they may not in our name make Oaths, Promises, and Covenants to bind us and our succeeding Governours and Posterities; in sense whereof, I cannot but desire all that wish well to England, to consider the Covenant, the Solemn League and Covenant; for Sir, as it was no little support and satisfaction to my spirit, under the late contempt and horrid violations of the Covenant, to observe they were the preposterous Acts of Self-created Powers, and Usurpers on the Peoples consent, as well as His Majesties*

Crown; and therefore could not involve the Nation in the guilt of their perjury, which our eyes have seen to fall upon their own heads; so it is now the greatest perplexity in thy judgement, that the Covenant is like to be slighted, if not contradicted; that the Nation is in danger to be plunged under the guilt, and made liable to the punishment thereof, by that Just God, who will certainly avenge the quarrel of the Covenant; which God forbid! God forbid! I say again, God forbid!

To conclude Sir this Section, lest you or any others should think, this quality of the Solemn League and Covenant, as *Publick and National*, to be my own notion, and private particular fancy; give me leave to tell you and them, I can produce more then 600. Ministers (most of whom are yet living) in the Kingdom of England, who under their hands have testified their apprehensions thereof, under the same notion. Such as will please to take a strict view of this Cloud of Witnesses, may at their leisure survey the publick Testimonies to the Truths of Jesus Christ, and to the Solemn League and Covenant; and they shall find the same attested by the names of 52. Ministers of London; 41. in the County Palatine of Lancaster; 39. in the County Palatine of Chester; 41. Ministers in the West Riding of the County of York; who in their Title page, and throughout their Testimony, do denominate it the *National Covenant*; 39. in the County of Norfolk; 82. in the County of Wilts; 36. in the County of Stafford; 69. in the County of Shires; (which I presume may make a better Septuagint then Bishop Pierces Certificates of this County, for Revels, Clerks-ales, and Church-ales on the Lords-day, though they want three of the number) 68. in the County of Northampton; 71. in the County of Essex; 43. in the County of Warwick; 62. in the County of Gloucester; 57. in the County of Salop; and 73. in the County of Devon; who give their testimony, and call it the *Solemn League and Covenant of the three Kingdoms*; and in the sense of the National Obligation, they give this testimony, and thus plead, *We find the Covenant is antiquated and banished, as intended to be of force, during the time of our intestine Wars; we confess we are amazed at this quirk; we pray the Wars may cease for ever (which yet there is fear may too soon be recalled by God, for this treacherous dealing in his Covenant) but we believe no honest understanding hearts can be persuaded the Covenant was intended as a*

Truce.

Truce made with God for three or four years; but we shall labour to stop this Gap with some few strong stakes, cut out of the Covenant; and so passing through the several Articles of the Covenant, they advise, those terms may be viewed constantly, all the dayes of our life, our posterity, the Lord may dwell in the midst of us, and good of the Kingdoms; whereupon they conclude; these are not for a few years, but for ever, and affectionately cry out to the Nation, *Oh England! turn not Harlot, break no Covenant with thy God; and the Lord keep England from this Covenant-breaking, and his vengeance from his people:* Unto this, give me leave to add this passage out of the Testimony of the *York-shire Ministers*; It cannot be unknowne to the Churches abroad, that all the three Kingdoms stand engaged by verine of a Solemn League and Covenant, sworn with hands lifted up to the most High God, sincerely, really and constantly by the grace of God, to endeavour in our several places the Reformation of Religion in the Kingdoms of England and Ireland, in Doctrine, Worship, Discipline and Government, according to the Word of God, and example of the best Reformed Churches. I shall Sir add but one more, and it is that in which we have all the rest (their's being little else but a concurrence with this) and that is the Testimony of the Ministers of our own City of London, and they profess thus, *In order to the Reformation and Defence of Religion within these three Kingdoms, we shall never forget how solemnly and chearfully the Sacred League and Covenant was sworn, with hands lifted up to the most High God; wherein the three Kingdoms stand engaged jointly and severally, &c.* Yet we cannot but observe, to the great grief of our hearts, that this Solemn Covenant of God hath been, and is daily neglected, slighted, vilified, reproached and opposed, even by too many who have entered into it; and endeavours have been used wholly to evade it, and render it useles; and that it hath been manifestly violated, to the dishonour of God, to the prejudice of a real Reformation, the sadning of the hearts of Gods people, and pulling down his dreadful judgments upon us, and upon the whole Kingdom. Sir, I will say no more; but I pray God London Ministers may retain, or recover their first love; and Englands Watch-men may remember the loud Alarums they have sometimes sounded, and the grounds thereof.

Pag. 18. 19.

Pag. 9.

Pag. 26.

Pag. 28.

Sectio septima.

Proposition 7. *The Obligation of the Solemn League and Covenant is permanent and abiding, never by any humane act or power to be absolved or discharged.*

SIR, By the permanency of the Obligation of the Covenant, we mean, the continuance of its Bond on the mind and consciences of men; so that the Subjects thereof are, and for ever will be bound to pursue and perform the things and matters therein promised; nor is it in the power of any man, or humane authority, to release, acquit, or discharge them from the same; but that when, and howsoever the Solemn League and Covenant is slighted, laid aside, or violated, by any the Subjects thereof, they shall be liable unto the guilt and punishment of perjury in the breach thereof.

This permanency of obligation, and impossibility of discharge doth spring from a double cause.

1. *The Nature of an Oath*, which is a solemn and serious Appeal to, and invocation of God, as *Witness and Avenger* of the thing sworn, and sincerity of the Subject sweating; so as in case of dissimulation, falshood, or non-performance of the thing covenanted, we shall be liable unto the guilt and punishment of perjury, to be inflicted by the God who judgeth righteously.

And 2ly. *From the Manner and Form of the Covenant*, which is *absolute, and without a condition*, which might at any time fail, and so cause a Cessation of the Bond of the Covenant thereupon dependent; and is *expressly exclusive to all manner of discharge or release*, by any humane act or power whatsoever, by an express protest, *That this Covenant we make in the presence of Almighty God, the Searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed; and by a peculiar provision, That we shall never suffer our selves directly or indirectly, by whatsoever combination, perswasion or terror, to be*

be divided or withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give up our selves to a detestable neutrality in this cause, which so much concerneth the Glory of God, Good of the Kingdoms, and Honour of the King, but shall all the dayes of our lives zealously and constantly continue therein: So that the matter of this Covenant being, as I have before asserted, good and lawfull, because just and possible; if there were in the World any power or persons (entrusted with that divine Prerogative) to discharge the Obligation of an Oath; we could not receive it, because it is actually and expressly disclaimed. We Sir, live amongst Protestants who by their very profession do protest against all *Papal Dispensations*, and *Jesuitical Commutation* thereupon dependent; and therefore I need not stand to make any defence in this cause against the same, which would be to suggest some Protestant Divines to be so Popishly affected, as to have recourse to *Rome*, for relief against *St. Peters Restraint*: I presume Sir, *Englands Bishops* would not be reputed Popish; and other ways to discharge the Obligation of the Covenant, we have none, save the release of *Superiours*, which alwayes must be in such cases and manner as are peculiar unto them, and proper to their cognizance.

I am not insensible, that some suppose to themselves, and suggest to others a nullity, or non-obliging force of the Covenant, by Reason that *His late Majesty* (of glorious Memory) did interdict the Act; concerning which it is necessary to be inquired, Whether by the Light of Nature, Law of Nations, or Rule of Scripture; the Prince, the Political Parent, have such full compleat Parental Authority over His Kingdom collectively or distributively considered, as by His interdict to make void the Oath they put upon themselves? 2. Whether the Parliaments of *England*, both, or either House, can order, determine, direct, and by Parliamentary Authority, enforce a present execution of those Determinations and Orders directed to the Subject (as we know is, and ordinarily hath been practised) without the consent of the King? And whether the People are not Subject to the same, as being *Parliamentary An. h. r. 17*, before they formally pass into Lawes or Acts, to be established Rules, when their being a Parliament ceaseth? And so whether an Act done, *Sedente Parlamento*, at their Appointment,

Appointment, and by their present Order, being in its own nature permanent and abiding, never to be discharged (as is the Obligation of an Oath) be not valid, though it never pass into a *Formal Act of Parliament*, and standing Statute? 3. Whether an extraordinary and unusual Proclamation of the King, against the Determinations of both Houses of Parliament, be (according to the constitutions of this Kingdom) a full and formal supersedeas to any Act required to be done by the Authority of the Parliament then sitting? 4. Whether His late Majesty in His Proclamation of the 9th. of *Octob. 19. Carol.* did by His Royal Authority declare void and null the Obligation which should be laid on any of His People against His consent? or by His Parental care only admonish His Subjects of its evil, and the danger He conceived in it, and so warn a forbearance of it? for Parental Admonition, and Authoritative Annulling Inhibition, are distinct Acts; and the last was in this case necessary, because the Collective Body of the Kingdom had sworn this Covenant on the 25th. of *September* before. 5. Whether the Kings after-assent, and Admonition unto a right understanding, and Religious keeping of the Covenant, do not establish it, and makes its Obligation unavoidable? And whether after the interdiction of the Act, His Majesties Declaration, *That as things now stand, good men shall least offend God and Me, by keeping their Covenant by honest and lawful ways, since I have the Charity to believe, the chief End of the Covenant in such mens intencion, was to preserve Religion in purity, and the Kingdoms in peace;* be not a subsequent allowance suitable to the Equity of that Law, in *Numb. 30.* and sufficient to make the Covenant valid, and an indispensable vow? 6. Whether an endeavour in our *Places and Calling*, be not so far *sui Juris*, to the Subject, that it may be safely sworn, without the consent of the Sovereign; and shall bind the conscience, notwithstanding His declared dissent thereunto? Lastly, Whether the Approbation of His most Gracious Majesty that now is, unto the Solemn League and Covenant, and the Assent to the Ordinances of Parliament enjoying the same, declared by Solemn Oath and Public Declaration, be not a full, compleat, and formal Authority, supplying all supposed defect, and fastning its Obligation by a full Theological, if not formally Political Act of Parliament? And so hath varied the case, and all fancy of the non-obligation of the Covenant,

Covenant, occasioned by the unhappy dispute, concerning the Authority conversant about it? When Sir these enquiries are seriously, and on solid Reasons resolved in the Negative, we shall confess there may be some doubt of a discharge of the Obligation of the Covenant; and untill then it lieth on our consciences, and must be carefully regarded and performed, least the judgements of God come upon us, and we fall under the guilt of perjury.

Now Sir, the matter of the Covenant being *just and possible*; the Authority establishing it, *full and sufficient*; and dispensation from the Obligation of an Oath concluded to be a *Papish Folly*; what can hinder our Conclusion, that the Obligation of the Solemn League and Covenant is permanent, never to be discharged? yet Sir,

Dr. *John Gauden*, notwithstanding his ill success in *loosing St. Peter's Bonds*, hath made an Essay for his full release, though not immediately by himself (who can say no more than what he said at first, and therefore saith it over again in his Epistle to the *Doubts and Scruples* before noted) yet by his profound allowance, and judicious testimony to the Discourse of Mr. *John Russell* of *Chinkfords* in *Essex*; the which is made authentick and acceptable to the World, as good Casuistical Divinity, and a clear resolution of this Case of Conscience, by this stamp on the Title page, *Attested by John Gauden, D. D.* So that Sir I should be disrespectful to my Antagonist, if I make not a little stay, to consider what is said by his learned Chaplain; though I must confess it is so simple and shatter'd a Discourse, it is not worth reading, much less the least of answer; but I remember my promise at the beginning, *That I would weigh what he could alledge to void the Covenant*, which is his aim, and professed end; and therefore his Title page affirmeth, *The Solemn League and Covenant discharged, or St. Peter's Bonds not only loosed, but annihilated*; an honourable design, an high undertaking, an hard enterprise, to release the Conscience from the Bond of an Oath! It is well if the attempt give us not cause to see *Fronti nulla fides*; and that the Title is stuffed with proud swelling words of vanity; yet he applieth himself to the work with some agility, as if accustomed to evade holy Bonds, and with ease to resolve the most weighty cases of Conscience; I will not say by a nimble profane

francise

faheſſe to break Religious Priſons; and therefore in page 2. of his Book, he ſtates the queſtion, and telleth us:

I ſhall grant by way of ſuppoſition (we will be content with ſuch a grant) all that the moſt rigid Covenanters can deſire of me, excepting one point; I ſhall ſuppoſe the ſame to be impoſed by compleat and lawful Authority; ſo ſe no wayes defective in circumſtances; to be clear and free from ambiguity; to be perfect in the form; to be ſound and lawful in the matter; to be pure in the end; fair in the manner of impoſing; that there was no fraud or violence uſed; but that all men took it with due deliberation and free conſent, by all which means it became a very ſtrong Bond and Obligation upon the conſciences of men.

Sir, This is I confeſs a very fair grant; if notwithstanding all this, he can diſcharge the Covenant, by my conſent he ſhall never more be brought into durance; but what is that one point he denieth to grant us?

It is this, *That the Solemn League and Covenant is ſuch a Bond on the conſciences of men, that it cannot be releaſed by any humane act or power.* And in oppoſition thereto he affirmeth, *That the ſame ſpecific power, or an higher then that which impoſed this Vow upon us, may releaſe us from the ſame either ſincerely or expreſſly.*

This Sir is eaſily affirmed with confidence, but ſo ſimply and ſlenderly proved, that the Dr. hath ſhewed us little of judgment in his attestation to this work, as in his own *Analysis*; and muſt needs make men obſerve his deſire of Releaſe is ſo fervent, as to allow and approve any thing that doth but pretend to diſcharge the Covenant.

The firſt on-ſet in order to the proof of what is affirmed, is by a kind of Preface with relation to the Ordinance, enjoining the taking of the Covenant, which he ſuppoſeth laid aſide, and not enlivened into an Act; and therefore he takes it to be dead in Law, and ſhall hold himſelf free from the Bond of the ſame. But Sir, it will abide a Diſpute (againſt a ſtouter Politician then I judge Mr. Roſſel to be) whether His Majeſties aſſent teſtified by publick Oath and Declaration, to the Ordinance for taking the Covenant,

Covenant, have not enlivened it into an *Act*.

2. The Ordinance may be dead in *Law*, and yet the Oath enjoyned by it *alive in conscience*; for the one hath done its work in laying that Obligation which now abideth, worketh, will work, and cannot be hindred; and then nothing but ignorance of the nature of an Oath, can lead a man to argue the Ordinance which brought me under it is dead. *Ergo, I hold my self thenceforward free from the Bond of the same.* If St. Peter leap out at such Loop-holes, he will be locked under heavy judgements: Is the Prisoner released, because the Warrant is of no more force, then to bring him into Prison, and secure the Jylour for keeping him therein?

Having past this Preface, he proceeds to his Argumentative part, and makes a great pudder about the power of Superiours over their Subjects in private, particular and promissory Oaths; and with the instance of Abraham and his servant, in the case of taking a wife unto Isaac; wherein, I shall grant unto him, that in all particular promissory Oaths, grounded on condition, it is in the power of confederates, whether Superiours or Equals, to relax the Obligation, by not exacting the performance; only I would tell him he is mistaken in his instance of Abraham and his servant; for the Oath of the servant was not released by any *Act of Authority in Abraham*; but if it had been released, it had been by an impossibility of effecting the matter; and therefore the servants query on the peradventure the woman will not be willing to follow me into this Land, was not a supplicate for an Authoritative Release; but a scrutiny into the Extent of the Oath; how far he was herein bound? which is plain by the query it self, *Must I needs bring thy son again into the Land from whence thou comest?* On which Parents note, that this was in the servant, *Prudentia singularis ne juret nisi de possibili*; and therefore I must tell him, that I do not believe the father or husband, who may establish the Vow of the Wife or Child, can afterward make it void again; and because he may be unwilling to learn of me, I would commend Dr. Sanderson to be his Tutor, he will teach him one Lesson which confuteth his whole Argument he would have managed, and the Notion on which he doth bottom it: *Supplicatum si expresse consensu suo, sive Antecedente, sive subsequente,*

Partus in Gen]

24. 5.

De Jura. Prae- promissionem subditi semet confirmaverit, non posse eandem irrita-
 test. septima. tam facere, aut obligationem eius tollere. contum. 10. 11. 12.
 f. ff. sexta p. 223

* A rude and rough pave-
 ment in Cbo-
 shire done in
 the night, as
 tradition saith
 by the Devils,
 who could not
 leave it till
 done.

By this position, concerning particular, private, promissory Oaths, he pretends to pave his way to the grand question in hand, and as by Rules in Military Discipline to make his approach at a reasonable distance, and make good his first ground, on which he stands so sure, that he advanceth not one step higher; but as if at work in Walsfield Pavement, or hurried about by some Fairy Dance, he traceth too and fro at all uncertainty; but is still found in the same place into the end of his Book; one while he can find no publick Covenants whereto to compare ours, which is of no moment; let him make good his Position by Demonstrative Reason, we will admit our Covenant to become the first publick President. Another while he keeps a stir about the nature of the Covenant, which he will needs have to be in the Form of it, a civil and human Creature, subject to infirmity, to be taken a way by men, and that as it is an Oath, though the Heathen did ever make Juramentum and Religio, to be synonymous in publick Contracts, because an Oath was a most eminent Act of Religion; at length he stumbles out his notion and fancy in a Parable, and pursueth that, forgetting Theologia Parabolica non est Argumentum, that Parables prove nothing; but proving it to be veritas materia, ut hinc illuc trahi imo & duci possint, pliable to any wild and quick fancy, he endeavours to bend it to his purpose; but so very dully, that he cannot but lose his end. He tells us that an Oath is a bringing a Tryal into Gods Court, wherein the Imposers are the Plaintiffs; the Covenantor, or him who subscribeth, is the Defendant; and God is the Judge; the which makes as good Musick, as A finis ad Lyram; all that I read, did ever make not the swearing, but the execution of the performance of an Oath, to be the Suit in Gods Court; and the Oath or Covenant to be the cause and ground on which the Suit is brought; and God as well as man, to be the Plaintiff, and a Party, as well as Judge in every Oath; by Reason whereof the Oath can never be discharged, because no man can release Gods Right and Interest in an Oath: So Dr. Saunderson doth expressly teach, In Juramento pro-

missorio non tantum proximo sic obligatio sed et Deo presumptio
 agitur non ferenda esset, si terra & vinis afferretur pasturam
 tollenda

coll. ubi obligationem qua homo obligatur Deo; which quite overthroweth his drift and aime, which is, That if men will not exact the Oath, or be content that it be not performed, God the Witness and Avenger, or Judge of it, is tyed up; and he will not expect it, or punish for the neglect of it; but Gods thoughts are not mens thoughts; he that sweareth, binds his soul unto the Lord, and must perform the thing that cometh out of his mouth.

When his dull *Genius* had made a dark discovery of this nature of an Oath, he pretends to resolve an Objection, *That when the Covenant was administred, the Tryal was finished* (he means founded; for the Suit was not commenced till performance be exacted) *and a Bond was put upon the consciences of men by the immediate hand of God; and therefore we say no humane power can take off this Bond.*

Unto this he gives a most profound Answer, which thwarts and overthroweth the whole scope of his Book, and makes it appear, he is rowling *Sisyphus stone*, which still returns upon him, and reneweth his labour; his Answer is, *I say so to, what would you have more? nothing, for it is enough; yet we must be directed how to think of him; I would not have you think that I have been studying all this while to attribute a Pope-like power to my Superiours, to dispencc with the Bond of an Oath, that is already put upon my conscience.* No indeed, I rather think he is studying how to loosen a pair of tying Irons.

But hath he no hole to creep out at, and evade his Answer, but thus expressly overthrow his own design? yes! *When what was sworn is performed, we are Free-men, unless the Superior gets us into a new Bond; that is very true, but what doth he infer? This is all that I expect that the higher powers will not renew the Oath and Covenant, and then that business is at an end; But I doubt Sir he reckoned without his Host; Hath he performed what he promised in the Covenant? it was thought to be work for all the dayes of his life; he is sure a quick Merchant; or is he not rather so bad a Pay-master, that he will not perform any thing, further then he is constrained, by being haled to Prison? like a Bankrupt, he dreams forbearance is an acquittance; and is ready to begin*

begin a new score of Covenants; if any man be so mad as to trust him; if he can be secured from any new Bond, his conscience will never make him pay the old; he had need to be quickned, or otherwise he is resolved to be discharged: But I believe second thoughts will make him to see, he had need to pay for the old, before he be trusted for new; when he dreams the Tryal is ended, the Suit is but beginning; what though the Higher Power never renew the Covenant, will that cancel the Bond given to God? if he agree not with his Adversary quickly, he will be cast into prison; verily he must not come thence, till he have paid the utmost Mite; nor will it make a Plea to the least mitigation of damages, to say, Lord, *My Superiours did never require me to renew the Covenant!* His Majesty is like to have Loyal Subjects at *Chinckford*, where they are taught, that their Allegiance being once performed, if the King do not cause them daily to renew the Oath of Allegiance, they are free to turn Rebels and Traytors, for any thing they had sworn before: This is an *Essex* — much cheaper, and more easily to be had than a Popes Bull; if I be not by the imposer exacted and required to perform, I am *ipso facto*, released; he shall never want Clients, that can make such Releases; yet you must note, this he manageth with most earnestness and seriousness, as reaching *the very mystery and depth of the Covenant.*

But Sir, he hath Salvo's for his Distinction, and Reasons for his Assertion; *What is pious, good and lawful in the Covenant, doth still bind per vim Præcepti, but not per vim Juramenti; and if he performs not the contents or intents of the same, he is guilty of disobedience, but not of perjury.* What a dull Buzzard am I? How have I spent my time, that never learned this Notion in Divinity before? I had once a Tutor commended to me by Dr. Chappel, and he makes me believe, the soul might at the same time be under a double Bond to the same Act; the single eye of the goodness and lawfulness of the Act, and the Cords of an Oath or Covenant, and that the last was the strictest Bond; he tortured my conscience with the thoughts of a complicated sin, in not doing a duty sworn to be done, and the guilt of both, *disobedience and perjury.* I must sure leave him, and take unto Mr. *Russel*, attested by Dr. *Gooden*, he teacheth a smoother way to Hell; for

for where we are under a Duty, and an Oath to do it, in not doing it, I shall be but damned for the least sin, the disobedience, not the perjury.

3. It was never yet denied, that in a promissory Oath between private persons, he to whom the promise was made, if he will release, he may release; if he had for never directed us to read ever; this had been an intelligent observation; for it hath ever been denied, that any man could release the Oath, Dr. Sanderson denieth it, and Grotius denieth it, and I deny it; and therefore they distinguish between the Relaxation of the matter of the promise, which is to them *sui Juris*, and the release of the Oath, which is Gods proper interest; I may remit my profit or benefit, and yet not release an Oath, by his leave Sir, I do again deny, That Abraham did release his servant; that which he dreams of to be a Release, was part of the very Indenture of the Covenant or Oath, that the servant might see the matter of it in its Extent; but spare me Sir, what is all this to the purpose? it is to be proved that the Solemn League and Covenant is such a promissory Oath; it was indeed agreed, concluded, and consented unto by two Nations; but yet it is not a reciprocal promise each unto other, that they may at any time relax each to other the whole, or any part of the conditions thereof; but is a joynt Oath or Vow to God, by mutual Agreement put on the Kingdoms of England and Scotland; and then to follow his fancy, God, and God only, is the Plaintiff, and no Higher Powers of either Kingdom, but they as Members of the Kingdoms are Defendants; whom God impleads to perform what they are bound to do. His promise was to prove the Covenant to be of the nature of a promissory Oath, which might be released, and this I expected; but I would have him take time enough to do it in, I will expect his Resolution at Dooms-day, when the Tryal shall boundonbredly ended, and the Judge will openly declare his sentence against all who have broken, or shall break the Covenant, though not renewed at the command of the Higher Powers.

This Gentleman tells the World, That Mr. Croston wonders at Dr. Gaudens Logick, in arguing the evil of it, from the unblest effects and consequences of the Covenant: And I think
Sr

Sir, he had Reason; for *Event* was never judged a *Rule of Equity*; but the unblest effects reflected on the Covenant, did only accompany it, nor spring from it, as its proper brood, and natural issue by it procreated. Shall wicked mens reluctancy to piety and order, or perfidy and contempt of the Oath of God create evil effects, accidental sequels to the Covenant, and it be condemned? Sir, this man is sure half an *Arminian*, and thinks Gods command to *Adam* to have been the cause of mans Fall: Is he not rather half an *Hearthen*, that in all Tumults, Earth-quakes, and Plagues of God upon them, would cry out, *Christianos ad Leones*, as if they were the cause of all? Let any of them specify that evil in the Covenant, which hath a natural tendency unto these *unblest*; or let him speak out, *curst effects*; and I will damn it as an accursed thing: But Sir, Mr. *Crofton* did not so much wonder at the Drs. Logick in this Argument, as at his little Reason or Religion in giving his *Attestation* to such an Irrational, Atheological, Wild and Wicked Discourse as this is, whilst he fears the Covenant is *righteous over-much*; I would advise him to consider whether the next words do not suit his spirit, as proper for his meditation; *Be not over-much wicked, neither be thou foolish; why shouldst thou dye before thy time?* For Sir, if I can judge, his words are the language of a Fool, and his *Arguments* the Reasons of wickedness; and such a Release of the Obligation of the Solemn League and Covenant, must needs hasten his ruine.

Ecclef. 7. 17.

CONCLUSION.

Honoured Sirs

I will trouble you no further, but leave these Positions unto your serious Consideration; I have propounded them by way of *Antithesis*, desirous to weigh what could be said against them; I am Sir so sensible of the weight of an Oath, the dread of Perjury, especially on a Kingdom, that I could not see this Nations tendency thereunto in silence; if Sir I have any judgement in Christian Rules of safety; one of the first debates in order to the establishment of this Kingdom, and Restoration of this Church, should be how far we are under, and obliged by the Solemn League and Covenant. I would not advance it above, nor set it against Scrip-
ture,

ture; but must be bold to say, our Oaths (being of matter consonant to Scripture) are ready Dictators (as well as Spurs) unto our Duty; and (in things merely humane, morally good, though not necessary) the compass which should steer our course; I must confess I cannot but be grieved to see some Transactions amongst us, unto a contempt, nay, contradiction of the Covenant; might but my poor weak papers provoke more able and serious Casuists in good earnest, as before God, and in the dread of an Oath, to state, and (by right Religious Reason) to resolve this case of conscience; though in the Negative I had obtained my desire, and (if I know my own heart) none shall be more ready then my self (when convinced) to fall down and worship, and confess God is in them of a truth. I must Sir beg your pardon wherein I appear too tedious; the weight of the Argument, the number and worth of the Antagonists, I speak something in Apology for me. Sir, I commend you to the guidance of Gods Holy Spirit, and pray that you may be kept faithful and blameless, unto the coming of our Lord Jesus Christ.

FINIS.
